

MUNTADAYAT AL-MAKTABAH

Al-Nubadh

A Concise Introduction to the Principles of Islamic Jurisprudence

by

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This is a translation of one of the basic works of the principles of Islamic jurisprudence as it is understood by those of the Zahirite school of law.

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Forward

The following translation is based on the 1993 print of the book from Dar Ibn Hazm in Beirut. That print is based on a manuscript copied by Ahmad bin Abd al-Rahman bin 'Abbas al-Husbani in the fourteenth century, and the manuscript was inspected and authenticated by Muhammad Subhi Hasan Hallaq in the early 1990s. I have relied on Hallaq's grading of the "hadith" or Prophetic narrations found therein rather than cross referencing, as Hallaq has done a far better job than this translator could.

In translating, I have aimed for meaning rather than translation of the word-for-word text. All translations are my own, including those of Qur'anic verses and Prophetic narrations. For uncommon or obsolete terms, I resorted to the help of a certain colleague from Jordan who has helped far more than he realizes. No paper or electronic dictionaries or automated translation programs have been used. If any errors are found in this translation, then the reader need only post about it on Internet discussion forums on Islamic websites; I check the most popular of such forums frequently and eventually, God willing, I will find such corrections. Some chapters were left without titles by the original author Ibn Hazm, which I have added; this is noted by the blue color of said added titles.

May God bless you, dear reader, and help you to find that which you seek. Please remember to pray for God's peace and blessings to be upon the best of all creation, our Prophet Muhammad bin Abdullah, and for His mercy to be upon the author of this book, Ibn Hazm; upon the copyist, Husbani; upon the authenticator, Hallaq; upon the sheikh who requested I undertake this translation in the first place, Abu Abdillah al-Zahiri; upon the Jordanian translator whose extensive help was indispensable yet who has requested that he not be named; upon brother Jibreel Delgado, who very soon will become Dr. Delgado God-willing; and upon all of their families.

Abu Nadm al-Zahiri

Tuesday morning, 2 April 2013

Author's Introduction

All praise is due to God, who created us and provided us with sustenance, and bestowed upon us sight, hearing and the ability to feel. May God make us thankful and have mercy upon the master of all Messengers, Muhammad, His servant and messenger, and peace be upon him from God first, then from us. And peace be upon his wives, family, companions and followers. There is no power except through God, the High and Exalted.

May God help us and you to fulfill the duties He assigned to us, and protect us and you from committing that from which He has prohibited us. We would like to say that when we had written our voluminous book on juristic principles and surveyed the arguments and doubts of those who differ with us, and clarified those doubts by God's help and clear-cut proof we found after soliciting God's direction and asking Him to reveal to us the clear path that it would be a good idea to gather up all those statements in a short, clear book that is easily perused and memorized and serves as an introduction to our voluminous book.

The Commitment with Which God Has Burdened Man

Know, may God help you, that He did not bring us into this world to dwell forever, but rather as a step, or a starting point. In this step, we are obliged to carry out the obligations with which we have been burdened as per the teaching of the Prophet only. This is the purpose for which we were created and given this temporary step, until we move on to either one of two destinations:

“Indeed, the righteous will be in paradise; and indeed, the wicked will be in Hell.”(al-Infitar: 13-14)

Then, God showed who are the righteous and who are the wicked by saying:

“These are the limits set by God. Whoever obeys God and His Messenger will be admitted into gardens under which rivers flow, abiding therein eternally; and that is the great achievement. Whoever disobeys God and His Messenger and transgressed the limits He has set, then God will put him into the fire, abiding therein eternally; he will have a humiliating punishment.”(al-Nisa` : 13-14)

So it is imperative that we seek the nature of this obedience, and the nature of disobedience as well.

God has said:

“We have not neglected a thing in the Book.”(al-An’am: 38)

And God said:

“And We have not revealed to you the Book (O Muhammad), except for you to make clear to them that in which they have differed, and as guidance and mercy for those who believe.”(al-Nahl: 64)

God also said:

“O you who believe, obey God and obey the Messenger and those in authority among you. And if you disagree about anything, refer it back to God and the Messenger, if you do believe in God and Judgment Day. That is the best path with the best result.”(al-Nisa` : 59)

God said:

“On this day, I have completed for you your religion.”(al-Ma`idah: 3)

This fact has made us sure, by God’s grace, that the religion with which we are charged, and from which there is no delivery except by following it, is set forth in its entirety in the Qur’an,

the Sunnah of the Prophet and the consensus of the Muslim world; and that religion is perfect and needs no additions, is free of imperfections and is certainly preserved with complete wholeness as God says:

“Indeed, it is We who sent down the Qur’an and indeed, We will be its guardian.” (al-Hijr: 9)

Based on this fact which is accepted without doubt, no one has the right to give an opinion, or pass a judgment or act upon a religious precept except by referring to a Qur’anic provision, a judgment authentically traced to the Prophet or absolute consensus. Whoever accepts or rejects anything must prove the basis for their choice, because no one has the right to accept or reject except God; and so, no narration is accepted about God except that which was revealed by God either in the Qur’an or the Sunnah. Permissibility requires authority to permit, prohibition requires authority to prohibit and imposition requires authority to impose. There is no permission, prohibition or imposition except by God, the Creator and Owner of all creation, and there is nothing worthy of being worshipped except Him.

Consensus: What Is It?

We start with consensus, because there is no differing regarding it. So we say – and in God we trust – that it has been declared by God Almighty that accepting consensus is a command. God, exalted is He, has said:

“And whoever opposes the Messenger after guidance has become clear to him, and follows other than the way of the believers, then We will give him what he has taken and drive him down into Hell; how evil a destination it is!” (al-Nisa`: 115)

God condemned and prohibited differing by saying:

“And hold firmly to the rope of Allah, all together, and do not become divided.” (Al ‘Imran: 103)

And:

“...and do not dispute, and thus lose courage and your strength.” (al-Anfal: 46)

There is nothing with regard to the religion except for consensus or differing.

God has informed us that differing is not from Him:

“Then do they not reflect upon the Qur’an? If it had been from other than God, they would have found within it much contradiction.” (al-Nisa`: 82)

This necessitates knowledge that consensus is from Almighty God because the truth is from Him, and the world has nothing in it except either consensus or differing.

And since differing is not from God, the Almighty, then there remains only consensus which is by no doubt from God. Whoever contradicts it while he is aware of it or after it has been proven to him deserves the consequence stated in the above verses.

As we viewed this consensus the acceptance of which is obligatory, we find that there are two possibilities for its definition:

Either it refers to the consensus of every generation from the beginning of Islam till the end of time, or just one generation at the exclusion of others.

The first definition is not logical because doubtlessly many generations still remain before the end of time, and this as such would render arriving to consensus impossible. Acceptance of the first definition after being aware of this fact is tantamount to rejection of God’s commandment; thus this definition is nullified and we have, then, to judge according to the remaining definition, namely:

That the definition of this binding consensus refers to one generation only; thus we must see to which generation God has ordained us to follow and with which not to differ. This causes us to argue that there can be only one of three possibilities:

Either one of the generations which took place after the generation of the companions; or the companions' generation only; or that of the companions or of any generation after them whose people all concurred on an issue.

We find that the first possibility is actually impossible for two reasons:

1. That all have agreed that it is false and none have accepted it.
2. That it's a groundless argument and as such it's not acceptable for two more reasons:
 - a. God said:

"Say: bring your proof if you are telling the truth." (al-Naml: 64)

Thus any argument without a proof is false.

- b. No one is prohibited from contradicting a claim for one generation over another, thus one may claim it to be the second generation, or the third or fourth generations.

The confusion of this view is clear; it is not acceptable and so this argument is dropped.

We find, then, that the second possibility (the statement arguing that the people whose consensus is the one ordained by God belongs only to the companions) is correct for two reasons:

1. That it's a consensus which has witnessed no disagreement by any and no two Muslims disagree that what the companions concurred upon down to the last individual is considered to be absolutely correct, and that this way is correct and nobody has the right to contradict it.
2. It has been proven that the religion has been made complete by Almighty God:

"On this day, I have completed for you your religion." (al-Ma'idah: 3)

As this is undoubtedly true, no one can add anything to it – it has been revealed by God.

No one can know the commandments of God except through the Prophet, who received these commandments through revelation.

Anyone who attributes to God anything for which he has no proof is relating to God things for which he has no source, and this goes hand in hand with setting up partners with God and carrying out the will of the Devil. God says:

“Say: My Lord has only forbidden immorality – what is revealed from it and what is concealed – and sin, oppression with no right, associating with God that for which He has not sent down authority and that you say about God that which you do not know.” (al-A’raf: 33)

And:

“...and do not follow the footsteps of Satan; indeed, he is a clear enemy to you. He only orders you to do evil and immorality and to say about God that which you do not know.” (al-Baqarah: 168-169)

There is no way to know the will of God except through his Messenger, and the religion is only from the will of God. The companions are those who saw the Messenger and listened to him directly, and so what they concurred upon is the consensus which must be followed because they narrated from the Messenger who narrated from God.

When we look into the third possibility stating that both the companion’s consensus and the consensus of a people of a generation after them are correct, we find that this is also impossible due to three factors:

1. Either the people of that generation concur upon that which the companions concurred,
2. Or the people of that generation concur upon something which there is no consensus or differing reported from the companions and there is not an authentically reported statement from a single one of them,
3. Or the people of that generation concur upon something upon which some of the companions concurred, while no agreement or disagreement has been authentically reported from the rest of the companions.

If the consensus of the people of that later generation was in accordance with the consensus of the companions, then we then are satisfied with the companions’ consensus and those later generations are obligated to accept it. It is not permissible to expand upon that which the companions have concurred, thus strengthening the obligation of accepting their consensus. Whoever opposes an authentically reported consensus of the companions while consciously aware of what he is doing is considered a disbeliever if that absolute consensus was proven to him and he was found aware of it but still opposed it.

If the consensus of a later generation occurs on a matter in which the companions of the Messenger disagreed, then that consensus is null and void as consensus and disagreement cannot exist on the same issue simultaneously.

If disagreement took place among the companions, then it is not possible for that which was permissible for them to be sinful to those who came after them, because the religion doesn’t

change. What was permissible in any time after the death of the Messenger is permissible forever, and what was sinful in a given time after his death is sinful forever. God Almighty has said:

“On this day, I have completed for you your religion.” (al-Ma`idah: 3)

Another proof is that people of this era and those with whom they have agreed from the companions compose only a portion of the faithful – if differing has not been narrated from any among the companions – and thus the claim that this is consensus is false, as consensus means consensus of all the faithful believers and not merely a portion of them, given God’s explanation of that:

“O you who believe, obey God and obey the Messenger and those in authority among you. And if you disagree about anything, refer it back to God and the Messenger, if you do believe in God and Judgment Day. That is the best path with the best result.” (al-Nisa`: 59)

If some concurred while others didn’t, then this is a case of differing. God did not command us to follow the consensus of some as opposed to others, but rather commanded us to refer matters to Him and His Messenger. This argument is, thus, absolutely dropped and all praise is to the Lord.

When we examine the third factor from consensus of a later generation regarding something which there is no consensus or disagreement among the companions – God bless them all – then we know that we either have a statement supported by some of them with neither agreement or disagreement recorded from the rest of the companions, or that we have a statement about which not a single one of them spoke. Therefore, we find that this factor renders such a consensus incorrect for two reasons:

First: This consensus includes some of the believers and not all of them, and the term “all of the believers” was not given to any era of people after companions, because these generations were already preceded by those chosen to believe.

If the people after the companion’s era were just a few of the believers, then undoubtedly their consensus was not the consensus of all the believers, and God did not proscribe on us at all to follow the consensus of only some of the believers nor obedience to only some of the rulers.

As for the companions, then in their era they constituted the entirety of the people of authority – bear in mind that there were no believers other than them during their own era – and thus their consensus constitutes the consensus of all of the believers with absolute certainty and total absence of doubt, and all thanks is due to the Lord. Thus, that argument is found to be false in the end in light of the fact that it is not permissible for anyone to proscribe in the

religion that which Almighty God did not proscribe upon the tongue of his prophet (peace be upon him). Additionally, it is not permissible for anyone to confirm decisively the consensus of a given generation after the generation of the companions regarding that upon which the companions did not have consensus themselves; rather, the one who claims this decisively is doubtlessly a liar due to this claim. This is because it is impossible to accurately confirm the statements of the generations which came after the companions, just as it is impossible to even gain an accurate tally of these statements after they spread all over the world, with the help of the Lord, to the lands of Sind, Central Asia, Armenia, Azerbaijan, the Arabian Peninsula, Iraq, Ahwaz, Persia, Karman, Mukran, Sijistan, Ardabil and what is between all these regions.

It is impossible for one person to comprehend and record all which the people in these different regions have ever said.

It is only possible to confirm their consensus upon that which the companions had consensus upon by a clear proof, and that we know with certainty that whoever agrees with all that the companions had consensus upon is a believer; and that whoever opposes the consensus of the companions without realizing it is speaking emptiness which should not be considered; and that whoever opposes the consensus of the companions knowingly and intentionally is a disbeliever. He has then fallen from the generality of the believers whose consensus is even considered in the first place. This judgment does not apply to anyone who violates the consensus of his own generation; rather, it only applies in the case of the companions' consensus because they were of an accurately countable number living only in Medina and Mecca, every last one of them obedient to the Messenger of God. Anyone who allowed disobedience to the Messenger was not from them, far away from true belief and the believers.

It has been virtually ascertained that the prescribed consensus that we must follow is that of the companions of the Messenger only and no people of any era after them may concur upon error because God has guaranteed that by saying:

“...but they would not cease to differ, except for those upon whom your Lord has had mercy.”
(Hud: 118-119)

Mercy is only for the righteous as stressed in the Qur'an. So if it has been proven that there was no disagreement, then it would be consensus that inevitably guarantees God's mercy. But if it was not a virtual consensus that guarantees mercy, it would then certainly be disagreement. There cannot be consensus on that which does not guarantee mercy as stated in the Qur'an along with what was narrated to me:

Abdullah bin Yusuf on the authority of Ahmad bin Fath, from Abd al-Wahhab bin Issa, from Ahmad bin Muhammad, from Ahmad bin Ali, from Muslim bin al-Hajjaj, from Sa'id bin Mansur, Abu al-Rabee al-'Ataki and Qutaiba on the authority of Hammad bin Zaid, from Ayyub Aal-

Sakhtiani, from Abu Qulaba, from Abu Asma al-Rahbi, from Thawban that the Messenger of God said:

“There will never cease to be a faction of my people who are clearly upon the truth. They will not be harmed by those who disappoint them until the order of God takes place.”¹ Al-‘Ataki and Sa’id added in their narration: “...and they shall remain in that state.”

Abd al-Rahman bin Abd Allah al-Hamadani narrated to me on the authority of Abu Ishaq al-Balkhi, from al-Farbari, from al-Bukhari, from al-Humaidi, from al-Walid bin Muslim, from Ibn Jabir, who said that Umair bin Hani narrated to him that he heard Mu’awiya saying:

I heard the Messenger of God say: “There will never cease to be a faction of my people steadfast upon God’s command. They will not be harmed by those who lie about them or oppose them until the order of God takes place, and they shall remain in that state.”²

What we noted previously in regard to negation of the third factor also negates the statement of the one who says: “Whatever is known to be held as true by a group of the companions and disagreement is not known from any companions other than this group, then that is consensus.” As we noted previously, this would only be the consensus of some of the believers. Additionally, whoever claims that the other companions must have also agreed with said group has spoken about that which he does not know, which is a sin as Almighty God has said:

“And pursue not that which you do not know; indeed, one will be questioned about that which he heard, saw and held in his heart.” (al-Isra’: 36)

So let every person fear God and think over the fact that God shall take him to account for that which he heard, saw and held within the heart without surety of the truth and falsehood. Whoever attributes something to any person, and he was not sure of the truth or falsehood of his attribution, has committed a sin by his action.

If it is said: “Those (the companions) were men of ethics and piety, and if they had disapproved of something they would not have kept silent,” then we say:

If it was true that they all knew of this thing in question and kept silent – which absolutely is not possible for any statement from any one of them, as the companions split up to the lands of Yemen, Mecca, Kufa, Basra, Raqqa, the Levant, Egypt, Bahrain and elsewhere – then whoever claims that a statement from them (whether it be one of the four Rightly Guided Caliphs or other companions) was known to all of the companions then he has forged a lie upon the

¹ Sahih Muslim 3/1523 #170/1920, Sunan Tirmidhi 4/504 #2229, Sunan Abi Dawud 4/450 #4252, Sunan Ibn Majah 2/1304 #3952, Mustadrak Hakim 4/449-450, Sunan Baihaqi 9/181.

² Sahih Bukhari 6/632 #3641, 13/293 #7312, 13/442 #7460, Sahih Muslim 3/1524 #1037, Musnad Ahmad 4/93, 99 and 101.

companions without a doubt. Their consensus can only be ascertained in regard to issues about which they were all aware, such as: the five daily prayers, the fast during Ramadan, the pilgrimage to the Ka'bah, the prohibitions of consuming carrion, blood or alcohol and other issues in which the knowledge of every last one of them is known without a doubt. This is also in light of the fact that those among the companions who were known for jurisprudence and speaking on these issues numbered only one-hundred thirty eight, while the total number of all companions exceeded twenty thousand; thus, the claim of those who make this statement is proven to be false with no room for debate.

As for those Hanafis, Malikis and Shafi'is who attempt to debate this point – if it agrees with their blindly followed opinions – then they are the most severe of all creation against a group of the companions who were not opposed by any other companions. This includes the position of Ali and Ibn Abbas regarding the obligation of the woman with prolonged menstrual bleeding to ritually bathe before every prayer or two combined prayers, or the position of Aisha that such a woman must ritually bathe every day at the time of the noon prayer;³ no disagreement with these three is known from any other companions, may God bless them all.

Other issues like this are numerous and we have compiled two-hundred of them in a book, thank the Lord.

They have also contradicted authenticated, confirmed, certain consensus of the companions on other topics about which every single companion from the first to the last agreed upon, such as their opposition to all of the companions who permitted the giving of water to the people of Khaybar for an unlimited period and saying to them we can dislodge you if we wished, which took place all throughout the Caliphates of Abu Bakr and Umar without objection from anyone.⁴ There are many similar issues like that which we have also recorded with the help of God.

³ Sunan Abi Dawud 1/211-212 #301.

⁴ Sahih Bukhari 4/462 #2280, 5/10 #2328, 5/13 #2329, 5/14 #2331, 5/135 #2499, 5/322 #2720, Sahih Muslim 3/1186 #1-6/1551, Sunan Abi Dawud 3/690 #3408, Sunan Tirmidhi 3/666 #1383, Sunan Nasa'i 7/53, Musnad Ahmad 2/17, 22 and 37, Sunan Ibn Majah 2/824 #2467, Sharh Ma'ani Tahawi 4/113. Sunan Daraqutni 3/37-38 #153, Sunan Baihaqi 6/113-114, 115, 116.

The Error of He Who Considers the Consensus of the People of Medina True Consensus

As for the argument that true consensus is the consensus of the people of Medina because of their status and because its people witnessed the revelation, then we reply that this is mistaken from a number of angles.

The first: it's a claim without proof.

The second: the status of Medina remains only as long as its people deserve it. Today, the people of Medina are known for open sinning and even blasphemy, due to the proliferation of Rafidha there. To God we belong, and to Him we return.

The third: those who witnessed the revelation in Medina were only the direct companions of the Prophet and not those who came after them. Rather it is from the companions whom the second generation, and every generation after them, took their knowledge.

The fourth: every disagreement to be found in the Muslim world can also be found in Medina, as we have explained in a number of our books. All thanks is due to God.

The fifth: the Caliphs who were stationed in Medina were in one of two situations, with not a third situation possible:

- a. Either they clarified to the people of the Muslim world the religion of Islam, or
- b. They did not clarify it.

The people of Medina and other than them are equal in that. And if the Caliphs had not clarified the religion to the people, then this would be an evil characteristic for which they have been protected from falling into. This possibility, then, is ruled to be impossible with certainty.

The sixth: those who claim that the consensus of the people of Medina is the religiously binding consensus are only those of the later generations who held this position in order to blindly follow the opinions of Malik bin Anas, and not the scholars of Medina as a whole. There is no possible way in even one issue where every single recognized scholar of Medina from both the companions and the second generation had consensus on one opinion and the scholars of the rest of the Muslim world disagreed with them.

The seventh: the people who make this claim contradict the consensus of the people of Medina regarding the giving of water to the Jews of Khaybar as we mentioned earlier, in addition to other contradictions.

Granting Preference to a Statement Supported by Scripture Over Other Than It

If the people have differed regarding two or more conflicting positions on a given issue, and the scripture supports only one of those positions, then it is the truth and the consensus of only those people holding that position is the religiously binding consensus. That is because their consensus is the consensus of the people upon the truth, and the consensus of the people upon the truth is itself the truth.⁵

⁵ Translator's note: That's the entire chapter.

Two Types of Consensus

If the Muslim world has reached consensus regarding the permissibility, prohibition or obligation of something, but then another group within the Muslims comes and says that the ruling of that thing has changed, then this other group's statement will not be accepted except when supported by the scripture. If not, then it is falsehood because it is a baseless claim supported neither by consensus nor by the scripture from the Qur'an or the Prophetic example. Thus, it is rejected due to the Almighty's statement:

“Say: bring your proof if you are telling the truth.”(al-Naml 64)

Thus a person who does not bring proof is not telling the truth – I mean specifically in regard to the claim he is making. As for when a scripture is revealed indicating a judgment, but consensus is later reached restricting that judgment then accepting this consensus is mandatory. Thus, the group claiming that the ruling of something has changed will term their claim “specifying the general” and returning to the scripture.

The proof of the falsehood of this second group's statement is that their claim of specifying the general nature of the scripture in this instance is without any consensus supporting it and conflicting with said scripture's apparent meaning.

So the first category of consensus: the presumption of continuity. For example, our views regarding people who claim that marriage can be invalidated by a man's impotency or some kind of a defect in either spouse. The marriage is absolutely sound and it cannot be invalidated except by consensus or a scriptural text indicating that such a marriage is invalidated.

The second category: the least of what has been said. For example, scripture has prohibited certain statements but then consensus is reached permitting only some of those statements. Thus we don't permit any more from those statements beyond the ones specifically mentioned in that consensus, without adding any of the others on with this permissibility. So this is the judgment upon consensus and its explanation, all praise is due to the Lord of the Universe.

The Verdict on Disagreement

If consensus has not been reached, then we are guaranteed to fall into debate and disagreement, as we explained in the statement of the Most High:

“O you who believe, obey God and obey the Messenger and those in authority among you. And if you disagree about anything, refer it back to God and the Messenger, if you do believe in God and Judgment Day. That is the best path with the best result.” (al-Nisa` 59)

And:

“...but they would not cease to differ, except for those upon whom your Lord has had mercy.”
(Hud 118-119)

When we have described an issue as not having a valid consensus regarding it, then there will be differences of opinion by necessity. This is because the two cancel each other out, and if one is absent then there is no possibility except that the other occurs. If that is the cause – meaning that there is no consensus – then that which we return to is that to which God has commanded us to return. That is, the Qur’an and the Prophetic example. God says:

“O you who believe, obey God and obey the Messenger and those in authority among you. And if you disagree about anything, refer it back to God and the Messenger, if you do believe in God and Judgment Day. That is the best path with the best result.” (al-Nisa` 59)

God said also about his Last Prophet:

“Nor does he speak from his own inclination; it is none other than a revelation revealed.” (al-Najm 3-4)

Thus it is confirmed that anything said by the Prophet, peace be upon him, is revelation from God when it is in regard to that which our Creator has ordained for us in the religion, due to the Prophet’s statement: “I am the more knowledgeable of the affairs of your religion.”⁶ And God said:

“And We revealed to you the message that you may clarify to the people what was sent down to them and that they might reflect.” (al-Nahl 44)

So it is not permissible to judge in matters of disagreement except by the Qur’an and the Prophetic example.

⁶ Musnad Ahmad 4/378-379, Sunan Tirmidhi 5/202-204, Sahih Ibn Hibban 566 #2279, Dala’il Baihaqi 5/339-341.

Successive Narration

As for the Qur'an, then it has been narrated by a level of successive chains of narration which puts it beyond doubt. As for the Prophetic example, then we have that which has been narrated by successive chains such that all doubt is erased, and there is that which is narrated only by an individual chain of narration, from one honest narrator to another; so there occurs therein that which is reported by one honest narrator from two, or three, or by three honest narrators from one. This type of narration is abundant, the authentic collection of Imam Muslim being a good example.

As for that which has been narrated through enough separate chains to erase doubts regarding its authenticity, then there are not even two people from the Muslims who will reject the obligation of following and obeying said narrations, even if some of the Muslims certainly disagreed in the details of narration and certainly narrated from others erroneously.

Individual Narration

As for the tradition narrated by one single individual on the authority of another, then it's divided into three categories:

The first: that which is narrated from a single trustworthy individual to another until the chain reaches the Prophet, peace be upon him.

The second: that which is narrated as the first, but within the chain there is an individual who has been criticized for his objectivity or possesses a dubious memory, or whose status is unknown.

As for disconnection, then an example is a chain which reaches the second generation of Muslims, then jumps to the Prophet himself while skipping the first generation of Muslims; this is called "mursal." Disconnection also includes someone from the second generation or other than that who claims that a companion narrated to him from the Messenger of God, but the claimant did not actually know that companion; this is called "munqati'."

After examining all three aspects, we found some who argue that all of the above are the same and that all must be accepted, and this is the speech of a huge group among the Hanafis and Malikis. This is wrong because the narrators of the mursal and munqati' narrations are not known. Since it is not known whether or not they are trustworthy, then it is not permissible to make rulings with these narrations as the unknown narrator's status in narrating is also not known. A narrator can be pious and trustworthy, but his narrations can still be rejected due to forgetfulness; thus this goes even double for someone who may not be trustworthy and may not possess a sound memory, or who is upon some form of heresy. All of these details are unknown with the similarly unknown narrator within the chain of a mursal narration, and God has commanded us to leave off that which we do not know:

"Say: My Lord has only forbidden immorality – what is revealed from it and what is concealed – and sin, oppression with no right, associating with God that for which He has not sent down authority and that you say about God that which you do not know." (al-A'raf 33)

And also:

"And pursue not that which you do not know; indeed, one will be questioned about that which he heard, saw and held in his heart." (al-Isra` 36)

Whoever accepts a narration from an individual who is completely anonymous has surely spoken about God and His messenger without knowledge and this is not permissible, likewise accepting the narration of someone whose name is known but whose status is not known.

As for that which has been narrated by an individual whose objectivity or memory has been criticized, then such a person is corrupt. God Almighty has said:

“O you who believe, if a corrupt person comes to you with news then seek confirmation, lest you harm people ignorantly and become regretful.” (al-Hujurat 6)

Whoever makes a judgment based upon the narration of an anonymous narrator – whether by way of a mursal narration, the narration of a companion or the narration of one whose status is unknown – then the people have certainly been harmed through ignorance, and unless they seek confirmation of the news then they will become regretful.

Whoever is confirmed to have misrepresented the errors of the weak narrators and presented them as trustworthy is either considered criticized or his narration takes the judgment of mursal, and thus it is not permissible to accept his narration.

Some might say: the one who misrepresents is in a better position than the narrator of a mursal because he may narrate from the trustworthy or from the untrustworthy, so we adopt the precautionary stance in relation to the mursal narrator, and the one who misrepresents is more deserving of rejection.

On the whole, it's not permissible to speak about God Almighty or about His messenger except with that which God commands to be spoken about. There has not reached us any verse of the Qur'an, authentic narration from the Messenger or confirmed report of consensus commanding to accept the mursal, the munqati', the narration of the corrupt or the one whose status is not known in regard to God Almighty and His messenger; thus, there remains only that which has been narrated by the trustworthy upon the trustworthy until the chain reaches the Messenger of God, peace be upon him. So after examining this issue, we found two pieces of evidence obligating their acceptance which cannot be avoided:

The first piece of evidence is the verse from God:

“A division of them should separate from every group to obtain understanding of the religion and to warn their people when they return to them so that they may exercise caution.” (al-Tauba 122)

And so God didn't make it compulsory for all believers to disperse in search of mastering all sciences of the religion and cautioning their people by it, and “group” in the Arabic language by which God descended the Qur'an, and about which He said:

“In a clear Arabic language.” (al-Shu'ara` 195)

means some of a thing and the phrase “group” does not ever refer to anything except for a portion of something at the exclusion of another portion. This expression can refer to one or more than one or even up to a thousand thousand, as long as these things are included along with others which are not counted within the group.

We now realize with certainty that if Almighty God had wanted to signify a number at the exclusion of other numbers then He could have clarified as such; thus if He did not clarify this, then we know that the expression refers to only one, keeping in mind that God does not confuse or mislead us. He has said:

“Clarifying all things.”(al-Nahl 89)

Thus it is correct to accept the warning of a single individual trustworthy narrator in regard to the religion, and taking the warning of the trustworthy to emphasize that which he fears from the wrath of God in regard to sin. Accepting the warning can be nothing other than the narration carried by the warner.

There is no person except that he is either corrupt or just, as God has said:

“O you who believe, if a corrupt person comes to you with news then seek confirmation, lest you harm people ignorantly and become regretful.” (al-Hujurat 6)

Thus there remains only the just after the corrupt, and it is indeed correct that we must accept the warning and the narration of the just in terms of what he passes on in regard to what he has understood or heard from the Messenger of God, narrated from the trustworthy to the trustworthy. This also includes the narration of the trustworthy from more than one, or more than one from one who is trustworthy, and all success lies with God.

The second piece of evidence: the consensus of all nations and peoples combined, both believers and disbelievers, upon the fact that the Messenger of God sent emissaries to all tribes and kings to call them to Islam and teach them about the religion including the rulings of ritual prayers, fasting, charity, pilgrimage, war, marriage, judiciary, divorce, business transactions and what relates to the permissibility or impermissibility of food, clothes and drink – there is not any difference of opinion in this.

And so if he obligated the following of these emissaries while he was still alive yet absent, then this of course remains until Judgment Day. There is no doubt that this remains after the death of the Prophet if information can be confirmed by way of a just and trustworthy narrator, with no difference between this and a chain of narration.

But if one objects by citing the event of “Dhul Yadayn”⁷ and that the Prophet did not believe his story until he asked the people about this Dhul Yadayn, then this does not prove a thing because Dhul Yadayn spoke to the Prophet about an action which the Prophet himself had performed, not about an incident with someone else. Dhul Yadayn thought that the Prophet had absent-mindedly imagined something – which turned out to be false on Dhul Yadayn’s part – and thus the Prophet sought to ascertain if he had remembered the incident properly. This was the purpose of the Prophet’s asking and nothing else.

It has been proven that the Prophet used to accept the narration of an envoy whose people had sent him out, and he – peace be upon him – would act upon the information passed on by the envoy, and likewise send his own emissary. He would also send one or two trusted envoys to ensure that all information passed around would be accurate, and all of this is from the religion.

If it’s said that messengers and commanders used to go along before or after these emissaries and tell of their news then we say: no doubt that those who accompanied the envoy were not bringing forth all of the judgments which the commanders and emissaries had communicated, so this objection falls flat and all praise is to the Lord.

⁷ The event is found in Sahih Bukhari #468 and Sahih Muslim 1/403 #97/573, as well as other collections.

The Narration of One Who is Trustworthy Yet Poor in Memory is Not Accepted

It is not permissible that the narration of a trustworthy narrator is accepted if they have a poor memory. This is because God has commanded us to accept the admonition of the one who comprehended that which he heard. The one who does not recall that which he heard completely did not comprehend that which he heard. Comprehension is to understand and reflect upon that which is expressed in the religious matter which the aforementioned narrator heard. It is not possible for the one whose memory failed him and who did not confirm that which he heard to comprehend and differentiate between that which he committed to memory and that which he lost. Women, slaves and maids are equal in this matter due to the generality of the Almighty's statement of "a group," and consensus has been reached that women, slaves and maids are obligated in the religion just as men and the free are obligated without any difference, even if they are different in certain specific matters due to evidence indicating as such, and never without a form of evidence.

The Authenticity of Acting upon the Narration Passed on by a Trustworthy Narrator from Those like Him All the Way to The Messenger of Allah

If a narration is passed on by a trustworthy narrator from another trustworthy narrator in an unbroken chain leading to the Prophet (peace be upon him), then it is decisively considered true and passing judgment based upon it is correct if all successive narrators in the chain are known and agreed to be just and trustworthy individuals. This is true even if objections are brought up against one of these narrators in regard to things which are not true about them, or things which are not objectionable. Almighty God has said:

“Indeed, it is We who sent down the Qur’an and indeed, We will be its guardian.” (al-Hijr 9)

It is indisputably true that accepting the narrations of the trustworthy is obligatory, and it is indisputably impossible – knowing God’s guardianship over this religion – that we would be obligated to follow a false narration which God has not commanded.

This is an issue where we trust in the guarantee of our Lord. It is also different from the issue of the testimony of the witness, as God has never guaranteed the testimony of a witness by saying: the testimony of a witness can never be other than the truth. Rather, the Messenger of God has clarified to us that a witness can bear false testimony when he said: “whoever passes judgment upon the rights of his brother, then let him not violate anything from them; in doing so, it is only as if he is giving his own self a portion of the fires of Hell.”⁸

It is known that not every case in which the Prophet ruled was based solely on the ability to present one’s case better than the opposing party. Rather, the ruling was based on eyewitness testimony at times, and at other times was based on the ability to present one’s case.

We say with certainty that the Prophet, peace be upon him, did not judge a case except by that which God has revealed to him. Thus, we are commanded to pass judgment based upon the testimony of who we know to be trustworthy witnesses, even if deep down inside they are lying; and to pass the death penalty upon those who do not actually deserve it due to evidence of which we are not aware; and to assign property and honor to one who does not deserve them in a dispute, without any differing. In this case, it is prohibited for the involved parties to oppose such rulings. Similarly, we pay ransom for hostages taken by infidels or oppressors and paying the ransom is obligatory upon us if there is no other way to free said hostages. This is not the same as rejecting God’s justice, as His justice and law have been preserved by Him.

Through this reasoning, we have come to know that any narration which has been narrated by a Muslim from the second generation without a Muslim from the first generation in the chain, or which has been narrated by an anonymous narrator whose situation is not known by any of

⁸ Sahih Bukhari 12/339 #6967, Sahih Muslim 3/1337 #1713.

the historiographers, or a narrator whose narrations have been rejected by agreement, or whose weaknesses or errors in narrating have been proven, has not been said by the Prophet ever and passing judgment based upon such a narration is prohibited. It is not possible for us to know the false narrations from the true ones except through this method along with the guarantee of Almighty God that He is the guardian of this truth which He revealed to His Prophet, and along with His guarantee that all matters within the religion have been clarified for us.

By way of these two evidences, we know with certainty that nothing from the religion has been left out, and nothing from the religion will be left out. We also know that in each age, there will be scholarly people of knowledge who will be aware of what others are not, and others will be aware of what those scholars are not. The religion will remain preserved until Judgment Day without a shadow of a doubt, and all success lies with God.

He Who Knows Has a Proof Against He Who Does Not Know

As for the narrator who is trustworthy as far as we know, but someone else knows of his error or weakness in narrating, then the one who has opposed us has more right, in the eyes of God, to be heard than we do. Likewise, if someone does not know the situation or identity of a narrator but someone else knows of that narrator's trustworthiness, then the one who knows the truth of that narrator's trustworthiness has more right to be heard than we do. God does not present the truth to His creation as falsehood, nor is anything from His religion falsely represented to His creation. None can replace the truth with falsehood, as this is prohibited by the guarantee of God to preserve this religion and His completion of both this religion and His favor upon us. God has been pleased to choose this religion for us, as He has said:

“On this day, I have completed for you your religion and my favor upon you, and have chosen Islam as your religion.” (al-Ma`ida 3)

It Is Not Accepted for Anyone to Reject an Authentic Narration Except with Evidence

Any person who claims that an authentic narration from the Prophet (peace be upon him) reported by trustworthy narrators has been reported in error will not be believed, except if he comes with a clear evidence from someone trustworthy that he witnessed the narrator and knows for sure that the narrator's mind slipped and made an error; either that, or the narrator himself admitted that he was mistaken in his report. In the same sense, any person who claims that an authentic prophetic narration or verse from the Qur'an has been abrogated or applies only to a specific case has uttered a false statement unless he can come with another scriptural text or proof of absolute consensus attesting to said abrogation or specification. If not, then his speech is nullified, as Almighty God said:

“O you who believe, obey God and obey the Messenger and those in authority among you. And if you disagree about anything, refer it back to God and the Messenger, if you do believe in God and Judgment Day. That is the best path with the best result.” (al-Nisa` 59)

Thus, any person who claims that a verse or authentic narration is abrogated or not to be taken by its general apparent meaning has actually said: do not obey this verse or this narration, and his speech is rejected. The word of God is truer and more honest and had God intended what this claimant says, He would have clarified as such via the exact expression of the claimant. God said:

“Clarifying all things.” (al-Nahl 89)

And also:

“And We revealed to you the message that you may clarify to the people what was sent down to them and that they might reflect.” (al-Nahl 44)

Scripture Is Not to Be Understood by Other Than Its Apparent Meaning Except by Another Authentic Scripture

It is not allowed for anyone to divert a verse of the Qur'an or authentic prophetic narration from the apparent meaning because Almighty God has said:

“In a clear Arabic language.” (al-Shu'ara` 195)

And also, while placing blame:

“They distort the actual meanings of the words...” (al-Ma'idah 13)

Thus, whoever diverts a scriptural text from its apparent meaning in the language without the support of another scriptural text or established consensus for said diversion has claimed that the scriptural text does not possess clarity. In essence, the diverter has distorted the word of God and His revelation to His prophet (peace be upon him) from its proper place. This is unbelievable; at the very least, were the diverter absolved of this deadly sin he would still be a claimant with no proof.

Likewise, it is not allowed to distort the word of anyone else from mankind. So how, then, is the word of God and the word of His messenger (peace be upon him), both of which are revelation ultimately coming from God Almighty? If anyone challenges this position based on the statement of one of the scholars, then let it be known that the statement of no one other than the messenger of God is a proof. And we did clarify earlier that the people who challenge us on this basis are indeed the first of all people to leave off the statements of the first generation of Muslims in favor of those who came after them, and that the Zahirites among the People of Hadith (may God be pleased with them) are stricter than these challengers in following and agreeing with the first generation of Muslims (may God be pleased with them all). We made that clear point by point in our expanded book “al-Isal ila Fahm al-Khasal,” praise the Lord.

The obligation is to not divert a scriptural text from its apparent meaning except when such is indicated by another authentic text informing us that the first text should be taken by other than the apparent meaning, and in that we are following the guidance of God the Most High and the guidance of His messenger (peace be upon him),⁹ such as the messenger's clarification about the word of God:

“...and did not mix their faith with oppression...” (al-An'am 82)

In which case the messenger explained “oppression” as referring to disbelief. Similarly, His statement:

⁹ The author is referring to the hadith found in Sahih Muslim 1/114-115 #124 and Tirmidhi 5/262 #3067.

“Indeed, associating partners with God is an abominable oppression.” (Luqman 13)

Other than the apparent meaning can also be understood in the case of an absolute, certain consensus such as the consensus of the entire Muslim world regarding God’s statement:

“God instructs you concerning your children: for the male, that which is equal to the share of two females.” (al-Nisa` 11)

And the confirmed consensus is that does not exclude slaves or the children of daughters from inheriting if a male child is present in the lineage. Examples such as this are plentiful. We also have verses which are understood upon other than the apparent meaning by logical necessity, such as when Almighty God said:

“Those who were told by the people: indeed, the people have gathered against you, so fear them...” (Aal ‘Imran 173)

Thus, we ascertain with certainty and by logical necessity and historical fact that not all people told others:

“...indeed, the people have gathered against you...” (Aal ‘Imran 173)

The proof of what we have said in regard to understanding the expressions of the scriptural texts upon their apparent meanings is found in the statement of God Almighty:

“In a clear Arabic language.” (al-Shu’ara` 195)

And also:

“We sent not a messenger except with the language of his own people so that he may clarify to them...” (Ibrahim 4)

Thus the whole point is to understand the Qur’an and the prophetic tradition upon their apparent, general meanings. Whoever wants to divert either of those to an interpretation without a scriptural text or absolute consensus has committed forgery against Almighty God and His messenger (peace be upon him), contradicted the Qur’an, fallen into hollow claims and diverted the word from its true meaning. Additionally, it is said to he who wants to divert the word from its apparent meaning without evidence that his action is the cause of sophistry and a denial of reality. This is because every time you or anyone else says something, it can be said to you: “oh, well this is not to be understood at the apparent meaning. Rather, you have another intention and I have affirmed it.” It can be said to you at any time that your own speech should not be understood upon the apparent meaning, and you cannot oppose he who says: “perhaps the negation of the apparent meaning is not to be understood by the apparent meaning (of its own negation),” under your own principles. Praise the Lord.

An Expression Which Carries Two Meanings Is Not Restricted to Just One of Them Except by Scripture or Absolute Consensus

If an expression occurs in a scriptural text which carries two or more possible meanings in the language which both occur among native speakers at an equal frequency, then it is not permissible to restrict the text to only one of those meanings above the others except if another text or established consensus indicates as such. Rather, the general rule is that the expression is understood upon all of these meanings known in the language and there is no avoiding what we mentioned previously regarding censure of who distorts the word of God.

If an Arabic-language expression is found in the Qur'an being used on a meaning other than what is known in the language such as "salah," "zakah," "saum," or "hajj," then these are all linguistic expressions carried upon their meanings within Islamic law which the Arabs had not known before the Islamic era. This is not metaphor, but rather it is accurate terminology. This is because Almighty God – the Creator of languages – entrusted us with naming these meanings with the aforementioned terms. As for the case of a linguistic expression being understood upon other than its meaning in the language and God did not entrust us with understanding it terminologically, then it is a case of metaphor such as when Almighty God said:

“And lower to them the wing of humility out of mercy and say: My Lord, have mercy upon them as they raised me when I was but a child.” (al-Isra` 24)

The same is true for what resembles this.

Abrogation Is Not Allowed Except by Scripture or Absolute Consensus

It is not allowed for anyone to claim a verse or authentic narration is abrogated due to what we mentioned previously in regard to this claimant refusing to obey said verse or narration, except that he provides another scriptural text or established consensus proving the supposed abrogation. If not, then no person is able to leave off the scriptural texts; as long as we are able to combine all the available texts from the Qur'an and the prophetic example, then it is not permissible to leave off either of them or even one of them. They are both equal in terms of obligatory obedience, and not a single part of them takes precedence over any other part in terms of this obligatory obedience. God said:

“He who obeys the Messenger has indeed obeyed God.” (al-Nisa` 80)

Therefore the obligation is that the lesser is excused from the greater, keeping in mind that this is the only way to use them all together. If we fail to do so, then it is not permissible to judge by all of them combined except by what we noted above. This is because doing so would be judging without evidence, like the person who says: “use this scriptural text in this situation, and that scriptural text in that situation.” Such judgment is not permissible because it is legislating in the religion that which God did not permit.

And it is not permissible to pass on information about the intention of God or that of His messenger without a narration from God Almighty himself, or from the messenger (peace be upon him) himself. On that topic, it is authentically reported from the Prophet that he prohibited facing the direction of Mecca or turning your back to it while going to the bathroom on the authority of Abu Ayyub al-Ansari,¹⁰ in addition to others.¹¹

And it is reported on the authority of Ibn 'Umar that he saw the messenger of God (peace be upon him) facing Jerusalem with his back to Mecca while going to the bathroom.¹² So some people said: the prohibition is upheld while in the desert, while the allowance is upheld while inside buildings. This is erroneous because the Prophet (peace be upon him) never said that he allowed that while inside buildings and disallowed it while in the desert. Thus, there is no difference between the statement of these people and the statement of someone who allowed this act only within a city if the city contained at least two bricks, and if there was only one brick present then it's not allowed.

¹⁰ Sahih Bukhari 1/498 #394, Sahih Muslim 1/224 #264, Sunan Abi Dawud 1/19 #9, Sunan Tirmidhi 1/13 #8, Sunan Nasa'i 1/23, Sunan Ibn Majah 1/115 #318 and Musnad Ahmad 5/415.

¹¹ Sahih Muslim 1/223 #262, Sunan Abi Dawud 1/17 #7, Sunan Tirmidhi 1/24 #16, Sunan Nasa'i 1/38 #41 and Sunan Ibn Majah 1/115 #316.

¹² Sahih Bukhari 1/246 #145, Sahih Muslim 1/224 #61/266, Sunan Abi Dawud 1/21 #12-13, Sunan Tirmidhi 1/15 #9 and 1/16 #11, Sunan Nasa'i 1/23-24, Sunan Ibn Majah 1/116 #322 and 1/117 #325, Musnad Ahmad 2/12 and 3/360, Sahih Ibn Hibban 2/346 #1417, Sunan Ibn al-Jarud #31, Sunan Daraqutni 1/58 #2, Sharh Ma'ani Tahawi 4/234, Sunan Baihaqi 1/92, Mustadrak Hakim 1/154 and Sahih Ibn Khuzaimah 1/34 #58.

All of this speech is not permissible because it's legislation within the religion by that which God did not allow. Similarly, the obligation in this case is to take both statements along with the narration which contains an addition beyond that which was initially established.

The proof for this is that we know when two scriptural texts are available, one of them removing an obligation and the other upholding an obligation, or one of them permitting something and the other prohibiting that same thing, then without a doubt that the Muslims were once with their prophet (peace be upon him) and he did not uphold that obligation upon them nor the prohibition of that thing. Then, we know that the Prophet (peace be upon him) obligated something or prohibited something, and the first status is lifted by certainty and not doubt. Thus it is erroneous to cut out that which is known to be abrogated; were this permissible, it would also be permissible for the first status which was abrogated to return, and the second status which was abrogating would be nullified. Were that the case, then this cutting out an affirmed scriptural text would be to judge based on speculation, and God Almighty rejected that when He said:

“They follow nothing except conjecture but indeed, conjecture is no substitute for the truth.”
(al-Najm 28)

The Prophet (peace be upon him) said: “Beware of speculation, for it is the most lying of speech.”¹³

How, then, can we testify that there is one true God and reconcile what preceded with the fact that this one God ensured to us the preservation of the religion, which has been completed? Were the abrogating text itself abrogated, then that fact would have been made clear for us. If God did not do so, then we testify that He is the one true God, and that the abrogating text remains the clear, definitive text in the issue until Judgment Day, and that the abrogated text remains abrogated until Judgment Day, and we do not doubt in that. Thus, it is not ever permissible for someone to confuse an issue in the religion until its nature is hidden from the people, until the issue reaches the level of judging by speculation. We free ourselves in front of Almighty God from such speech just as we free ourselves from polytheism, and all thanks is due to Him.

¹³ Sahih Bukhari 12/4 #6724, Sahih Muslim 4/1985 #28/2563, Sunan Abi Dawud 5/216 #4917, Sunan Tirmidhi 4/356 #1988 and Sharh Sunnah Baghawi 13/109.

The Obligation of Haste in Implementing Obligations

Haste in implementing the commandments of God is obligatory, as He has said:

“And press forward to forgiveness from your Lord and for a paradise as wide as the heavens and the Earth, prepared for the pious.” (Aali ‘Imran 133)

He who delays is not permitted to do so unless a scriptural text indicates as such, for example what has been narrated in relation to the permissibility of delaying proscribed daily prayers until the latter portion of their time slots.

Delaying Clarification of an Obligation Past the Time In Which It Is Obligatory Is Not Allowed

It is not allowed to delay the clarification of the specified time of an obligatory act because this confuses the matter. The believer knows that God will not obscure matters in the religion, rather He clarified all matters by way of the one whom He charged with the Message.¹⁴

¹⁴ Translator's note: That's the whole chapter.

The Categories of Abrogation

The Qur'an can abrogate itself, and the Prophetic tradition can abrogate the Qur'an as well. God has said:

“Nor does he speak from desires; it is none other than revelation.” (al-Najm 3-4)

Meaning that the first is just like the second and all are from God, and by His revelation one was called a book and the other was called a tradition and wisdom. God said:

“And remember what is recited in your homes from the verses of God and the wisdom. Indeed God is the most kind, and is well acquainted with all things.” (al-Ahzab 34)

If it is said: the Prophetic tradition is not like the Qur'an and not better than it, rather it is only an explanation of the Qur'an. We say to them, and with God lies all success: the Prophetic tradition is like the Qur'an in the obligation of following that which is authentically confirmed from it. God said:

“Whoever obeys the Messenger has obeyed God.” (al-Nisa` 80)

Abrogation is clarification and the canceling of a previous commandment, so the abrogating text clarifies that the ruling of the abrogated text has been lifted, and its matter has ended. God said:

“...so that you may explain to them clearly that which has been sent down to them.” (al-Nahl 44)

So a narration may come with that which is better than what came regarding the same manner in the Qur'an regarding the easing of strictness. The Qur'an can also clarify the Prophetic tradition. God said:

“...a clear explanation for all things.” (al-Nahl 89)

What Is Permissible in Terms of Abrogation

Abrogation is not allowed except in commandments or in a narration whose expression indicates an order, and abrogation is not allowed in simple reports. This is because such reports from narrators may not be true, and Almighty God transcends such issues, as do His Messengers.

The proof for the truth of abrogation is the word of God:

“Any verse which we abrogate or cause to be forgotten will be replaced by one just like it.”(al-Baqarah 106)

And all success lies with God.

Commands and Prohibitions

The commands of God Almighty and His Messenger (peace be upon him) are all obligatory and the prohibitions of God Almighty and His Messenger (peace be upon him) are all forbidden, and it is not allowed for anyone to say regarding any of them that they are merely recommended or disliked except when backed up by a scriptural text stating as such, or a valid consensus. This is similar to what we discussed regarding abrogation. God said:

“Let those who oppose the Messenger’s commandments beware, lest they are befallen by discord or affected by a terrible punishment.” (al-Nur 63)

And:

“Whatever the Messenger gives you then take it, and whatever he forbids for you then abstain from it.” (al-Hashr 7)

The meaning of recommending and disliking is that if you prefer to do something then do it, and if you do not want to then do not do it. These are their linguistic meanings. It is not understood from “do it if you want to” that you should not do it, and it is not understood from “do not do it if you do not want to” that you should do it. Whoever claims this is claiming the impossible. God has obligated us to obey Him and His Messenger (peace be upon him), so whoever says: this command is merely recommended, this prohibition is merely disliked, then he is saying nothing except that we do not have to obey this command or that prohibition. This is a brazen violation of God’s law.

The Categories of Permissibility

Permissibility in Islamic law has three divisions. The first is that which is recommended, whoever does that action has a good deed recorded for them; if they do not do it, then they do not earn the good deed nor do they earn a bad deed. The second is disliked, meaning that whoever makes a point not to do the action in question earns a good deed for *not* doing it, but the person who does do it does not earn a bad deed either – nor is he rewarded. The third is optional or purely permissible; the person who does the action in question does not earn a good deed or a bad deed for doing it, nor do they earn a good deed or a bad deed for making a point not to do it.

Actions of the Prophet

The actions of the Prophet, peace be upon him, indicate recommendation rather than obligation unless it is explicitly stated to be a command, or comes as implementation of a judgment such as his statement: "Prohibited upon you all are your respective lives, property, honor and spouses."¹⁵

We then find the Messenger of God spilling blood and taking womenfolk, property or honor. Thus we know that implementation of this action from him is obligatory because he did not allow anything after its prohibition except if it is obligated; this occurs, of course, when we have another piece of evidence proving the command. It is like to be informed that whoever does such-and-such is now obligated to do such-and-such, or whoever does such-and-such is punished; and then the Messenger does that thing, then that thing has become obligatory as its obligation has become clear. If that thing occurs without the command accompanying it, then it is merely permissibility after a previous prohibition. This is because we are upon certainty that the issue has gone from prohibition to permissibility, but upon doubt regarding the issue's obligation.

Our proof behind what we have said regarding the Prophet's actions is his statement: "Had I not feared for my nation, I would have ordered them to clean their teeth before each prescribed prayer."¹⁶

He himself, peace be upon him, cleaned his teeth frequently and we know from this text that if he had commanded the people to clean their teeth before each prescribed prayer, it would have been obligatory upon us and he would fear difficulty upon us. We also know that if he, peace be upon him, did not command something then that thing is not obligatory upon us.

Another proof is what was narrated to us by Abdullah bin Yusuf. He narrated from Ahmad bin Fath, from Abd al-Wahhab bin Isa, from Ahmad bin Muhammad, from Ahmad bin Ali, from Muslim bin al-Hajjaj, from Zuhair bin Harb, from Yazid bin Harun, from al-Rabi bin Muslim al-Qurashi, from Muhammad bin Ziyad, from Abu Hurairah who said:

The Prophet, peace be upon him, delivered a sermon and said: "O people, God has obligated you to perform the pilgrimage to Mecca, so perform it." A man said: "Every year, O Messenger of God?" Abu Hurairah said three times: the Prophet became silent, and then quoted the Prophet as saying: "If I had said: yes, then it would have become obligatory and you all would not be able to fulfill this obligation. Leave me at that which I leave you, as those who came

¹⁵ Sahih Bukhari 1/157 #67, 1/199 #105, 3/573 #1741, 6/293 #3197, 8/108 #4406, 8/324 #4662, 10/7 #5550, 13/26 #7078 and 13/424 #7447. Also Sahih Muslim 3/1305-1307 #29-31/1679.

¹⁶ Sahih Bukhari 2/374 #887, Sahih Muslim 1/220 #252, Muwatta Malik 1/66 #114, Sunan Abi Dawud 1/40 #46, Sunan Tirmidhi 1/34 #22, Sunan Nasa'i 1/12 #7 and Sunan Ibn Majah 1/105 #287.

before you were doomed only because of their excessive questioning of and disagreeing with their prophets. When I command you to do something then do it to the best of your ability, and when I prohibit you from something then leave it.”¹⁷

This also indicates the falsehood of reasoning by analogy in the religion and of conjecture, because the questioner here drew an analogy between the pilgrimage and the repeated prayers five times a day, the obligatory fasting every year during Ramadan and the mandatory charity regularly obligated when the specified amount of wealth is held. So the Prophet answered by rejecting that and ordering that which God Almighty has ordered in terms of leaving off disagreement with questioning. This Prophetic quote also indicates that issues which have not been addressed are not open to judgment.

These two narrations clearly prove that what has been ordered is obligatory and not recommended. Thus, that which has been ordered is obligatory to the best of one’s ability, and that which is prohibited must be left off. As for that which has been neither ordered nor prohibited, then it is left as an excused action. Thus, we know by necessity that anything which has been neither ordered nor prohibited is neither obligatory nor sinful, and that the actions of the Prophet other than orders and prohibitions are neither obligatory nor prohibited. Additionally, God almighty has said:

“O you who believe, do not ask about clear matter which, if you ask about them, may cause trouble. But if you ask about them while the Qur’an is being revealed, they will be made clear to you. God is the most forgiving and forbearing.” (al-Ma’idah 101)

Thus, it is correct that anything which has not been addressed in the Qur’an or in the revelation from God is excused and allowed, and the actions of the Prophet which were not ordered obligatorily in the Qur’an are excused and allowed. God said:

“Let those who oppose the Messenger’s commandments beware, lest they are befallen by discord or affected by a terrible punishment.” (al-Nur 63)

So the threat is only to those who reject the commands of God, and He said:

“Indeed in the Messenger of God you have a good example to follow.” (al-Ahzab 21)

So if they reply by pointing out that God said:

“Let those who oppose the Messenger’s commandments beware, lest they are befallen by discord or affected by a terrible punishment.” (al-Nur 63)

¹⁷ Sahih Bukhari 13/251 #7288, Sahih Muslim 2/975 #412/1337, Sunan Daraqutni 2/281 #204, Musnad Ahmad 2/508, Sunan Baihaqi 4/326 and Sunan Nasa’i 5/110 #2619.

And then claim that this verse is considered to also include the actions of the Messenger of God, then we say: the issue is different from what they might think.

It is not possible for this verse to include the actions of the Messenger; that in which the Messenger did not speak nor is there any revelation from the Qur'an is a blessing and favor upon mankind which cannot be erased. Additionally, this verse was only revealed in regard to those who seek to silently avoid the Prophet and escape his commands. It is correct, therefore, for us to say that this verse is limited only to the Prophet's statements. There also is not any disagreement with the fact that the Prophet's actions alone do not comprise obligations, and that which is not obligatory – remember that the foundation is not obligation – cannot possibly become obligatory based on mere claims.

There is not found in His statement:

“Whatever the Messenger gives you then take it, and whatever he forbids for you then abstain from it.” (al-Hashr 7)

Any sort of proof for those who claim that the Prophet's actions alone comprise an obligation. That is because the original word for “gives” in the language of the Arabs means to grant something to someone else, and in the language granting is not considered to be an action; rather, this is only understood to be commands and prohibitions. This is especially true when we consider the verse:

“...whatever he forbids you from then abstain from it.” (al-Hashr 7)

If sheer actions comprised the imposition of obligations upon mankind, then we would have faced the incredible burden of only walking where the Prophet walked, eat as he ate, drink what he drank, live where he lived, and so forth.

The imposition of such a thing is void by consensus, and it is actually contrary to following him. The truth of following the Prophet is that: that which was not obligated upon him is not obligated upon us, and that which he was allowed to leave off can be left off by us, and that in which he had a choice is also open to our own choices; and nothing more than that.

We cannot single out some of his actions as obligatory while ignoring others, stratifying them into categories with no supporting evidence. The only exception to this is when an action of the Prophet is accompanied by a command, as the command is that which obligates the action upon us – not the action in and of itself. If it is said, then, that God says:

“Certainly they have been an excellent example for you to follow, for those who look forward to seeing God and Judgment Day. And whoever turns away, then know God is free of all needs and the most worthy of praise.” (al-Mumtahinah 6)

They will then repeat:

“...for those who look forward to seeing God and Judgment Day. And whoever turns away, then know God is free of all needs and the most worthy of praise.” (al-Mumtahinah 6)

And they will claim that this is a threat of punishment. They will then continue:

“God is free of all needs and the most worthy of praise.” (al-Mumtahinah 6)

And they will repeat their claim that this is a threat of punishment. The meaning of this verse, however, is not as they are interpreting it. There is not to be found in His statement:

“God is free of all needs and the most worthy of praise.” (al-Mumtahinah 6)

Any sort of threat to begin with. Were it the case that this is a threat of punishment obligating action, then the expression would have been “upon those who look forward to seeing God and Judgment Day.” So when the expression was revealed as:

“...for those who look forward to seeing God...” (al-Mumtahinah 6)

Then it is accurate that this description applies to those who bear the above quality, not as a threat against anyone.

On the other hand, it is not said in respect of what has been obligated upon us:

“Certainly the Messenger of God has been...” (al-Mumtahinah 6)

By necessitating that which has been obligated upon the Messenger:

“...an excellent example...” (al-Mumtahinah 6)

Also, were it true that the actions of the Prophet in and of themselves were obligatory upon us as direct commands are, then there is no aspect in which he would remain as an example for us and the verse would be rendered false. This is not possible.

From another angle, God has only emphasized taking the Messenger as an excellent example for the Muslims and not for the infidels. The Muslims are those who look forward to seeing God and Judgment Day, and it has not been emphasized ever for an infidel to take the Messenger as an example nor are they prohibited from doing so. Thus the claim that this verse contains a threat of punishment has comprehensively been falsified. All success lies with Almighty God.

As for when Almighty God says:

“And whoever turns away, then know God is free of all needs and the most worthy of praise.”
(al-Mumtahinah 6)

This forms a separate issue, of separate judgment, having no relation to the one before it, nor does the one before it have any relation to it, nor are the two issues dependent upon one another for understanding. There is no proof for such a connection to begin with and thus these people have happened upon a baseless claim for the second time. And were we to repeat His statement:

“And whoever turns away...” (al-Mumtahinah 6)

Then God is indeed free of any sort of need including from those who turn away, as is the apparent meaning of the verse. So if someone said that he turns away from God because they do not have an excellent example in the Messenger and that he is not an example in truth, then such a person is an infidel. This is the one who actually turns away as referred to in the verse; not the one who merely leaves off the Messenger’s example without denying the excellence of said example nor with any dislike for it. Were the one who turns away to say the heretical statement above then he would have no defense, and this is clear for all to see.

Lastly, those who claim the actions of the Prophet are obligatory upon us only say this in regard to very simple matters, leaving off countless other actions of his; thus they contradict themselves. And were they to claim that there is consensus of all the Muslims that all these other countless matters are not obligatory, then they would be making another libelous claim upon the Muslim nation, and every claim without proof supporting it is false. God has said:

“Say: bring your proof if you are telling the truth.” (al-Naml 64)

The Differing of One Person Obligates Returning to the Qur'an and Sunnah

If one scholar from the Muslim world disagrees with the rest, then the majority simply being against him is not a proof that he is wrong, because God Almighty said in relation to those who are blessed:

“...and they are few.” (Sad 24)

And:

“And if you disagree about anything, refer it back to God and the Messenger, if you do believe in God and Judgment Day.” (al-Nisa` 59)

If a disagreement is brought up even by one of them, then the existence of this disagreement obligates that the matter be returned to the Qur'an and Prophetic tradition. God did not ever command that the matter be returned to the mere opinion of the majority or that for a scholar to hold an odd viewpoint constitutes a rejection of the truth, even if the entire human race disagrees with a viewpoint held by only one, single person.

The proof of this is that oddity is blameworthy and the truth is praiseworthy, and it is impossible for that which is blameworthy to also be praiseworthy from only one angle. So the person who holds an odd viewpoint is asked for proof by those with whom he disagrees. If judgment is passed on that person without evidence, however, then it would be unfair. Abu Bakr (may God be pleased with him) disagreed with the strong majority of the other companions (may God be pleased with them) and held an odd viewpoint on the apostasy wars yet history shows that his viewpoint was the correct one, and those who opposed him were wrong. The proof is that the Qur'an supported his position on those wars and all the companions eventually adopted his position without exception.

The Followers of Muhammad are Pardoned for That in Which They Erred, Forgot or Were Coerced

There is no judgment due to honest mistakes, or forgetting or what people did under coercion unless a scriptural text removes this excuse from a specific situation. If not, then the excuse stands for errors, forgetting and what someone did under coercion and whatever actions are committed in these situations are considered erased. An example of that is someone who is forced to walk while trying to pray, or who forgets that he is not supposed to do that; his prayer is complete. Whoever forgets the time of one of the five prayers and prays before the prescribed time or is forced to pray too early, on the other hand, does not have that prayer counted. This is the case for all actions. The proof is the word of God:

“And there is no sin on you concerning that in which you erred; rather, only in that which you intended.” (al-Ahzab 5)

Also the authentic narration from the Prophet (peace be upon him) that his followers are excused for any action they commit due to error, forgetfulness or coercion.¹⁸

¹⁸ Sunan Ibn Majah 1/659 #2045, Sharh Ma’ani Tahawi 3/95, Mu’jam Kabir Tabarani 11/133 #11,274, Sahih Ibn Hibban #1498, Sunan Daraqutni 4/170 #33, Mustadrak Hakim 2/198 and Sunan Baihaqi 7/356.

The Intention is the Foundation for All Actions Within the Religion

No actions within Islamic law are considered acceptable except that the person intended to perform said actions when they performed them. The intention to perform the action cannot be chronologically separated from the performance of the action. The proof is when Almighty God said:

“They were commanded to sincerely worship none other than God.” (al-Bayyinah 5)

Also the authentic narration of the Prophet (peace be upon him): “actions are only judged by intentions, and to each person is what he intended.”¹⁹ This clarifies that all actions within Islamic law are both forms of worship and the religion itself. God has not commanded us in the Qur’an except that we fulfill his commandments with sincerity, and sincerity is the intention and goal within one’s heart.

¹⁹ Sahih Bukhari 1/9 #1, Sahih Muslim 3/1515 #1907, Sunan Tirmidhi 4/179 #1647, Sunan Abi Dawud 2/651 #2201, Sunan Nasa’i 1/58 and Sunan Ibn Majah 2/1413 #4227.

Certainty is Not Replaced by Doubt

That which is known with certainty cannot then be removed by doubt. This is true for all matters whether they be ablution, divorce proceedings, prenuptial agreements, ownership, freeing slaves, life, death, faith, polytheism, land appropriation and title transfer and so forth. The proof is when God, the Most High, said:

“...conjecture is no substitute for the truth.” (al-Najm 28)

Doubt and conjecture are one and the same, because they both oppose the concept of certainty, except that conjecture is closer to one of two possibilities but it still is not certainty. That which is not certainty is still a form of doubt, and doubt is not decisive.

Time Restrictions on Actions Within the Religion

Every action within Islamic law is either chronologically restricted by a beginning and end, or by a beginning with an open end. If an action is restricted by both a beginning and an end, then the person who performs said action will not be rewarded for it outside of the prescribed time period – not before and not after, unless a scriptural text or valid consensus is found indicating some sort of exception in a given case. If these are not found, then the person is not rewarded, such as the five daily scheduled prayers, the fast specifically in Ramadan, the pilgrimage to Mecca, the Eid sacrifice and so forth. For an action which is restricted only by a beginning time and is open-ended, the one who performs it will not be rewarded if they perform said action before the prescribed beginning time. Once that time comes, then the person now has an open-ended ticket for when they want to perform it such as the obligatory charity, expiation, making up missed prayers by a traveler or invalid or menstruating person or woman with post-partum bleeding, or the person who missed some daily fasts in Ramadan and other such things. The proof is the word of God:

“These are the limits set by God; do not transgress them.” (al-Baqarah 229)

And:

“Whoever transgresses the limits set by God has only oppressed himself.” (al-Talaq 1)

And the word of the Messenger of God (peace be upon him): “whoever performs an action not from my tradition will have his action rejected.”²⁰

Any sensible person knows with certainty that if they pray before or after the correct time, or fast for Ramadan before Ramadan starts or after it finishes on purpose, or pays the charity before they are obligated to do so, or performs the pilgrimage to Mecca during the wrong time of the year has transgressed the limits established by God and has only oppressed himself. His action is a form of oppression, and oppression is not obedience. Similarly, he definitely performed an action not commanded by God, and thus his action is rejected without a shadow of a doubt.

²⁰ Sahih Muslim 3/1343 #18/1718, Sunan Abi Dawud 5/12 #4606, Sunan Ibn Majah 1/7 #14 and Musnad Ahmad 6/146.

Obligation by Scripture

That which has been authentically affirmed to be permanently obligatory by a scriptural text or valid consensus does not cease being obligatory except when indicated by another text or consensus; similarly, that which is not obligatory cannot become obligatory except by a text or consensus.

The proof of that is the word of Almighty God:

“O you who believe, obey God and obey the Messenger and those in authority among you.” (al-Nisa` 59)

So nothing is obligatory except by a scriptural text or valid consensus, so when something is obligated in this way then whoever claims it has ceased to be obligatory without another text or consensus has opposed the command of God based on his own command. This opposing person's own command is rejected and cast aside, of course. As for the command of Almighty God, then it is accepted by necessity. Likewise, whoever wants to obligate something without a text or consensus is legislating in the religion that which God did not permit, and this is falsehood. God said:

“Do not say, in regard to what your tongue may put forth falsely, ‘this is permissible and this is prohibited,’ so as to invent lies against God.” (al-Nahl 116)

Who Is Pardoned for Error?

Wrongdoing is only considered regarding those who are sane and mature, and those who are aware that what they are doing is wrong. God, the Most High, has said:

“Verily it is a reminder for those who understand.” (al-Zumar 21)

And also:

“...that I may warn you and whoever else it reaches.” (al-An’am 19)

The Messenger of God said: “the pen is lifted from three.”²¹ He then mentioned the youth until he or she matures and the crazy person whose sanity has not yet returned. This applies to the legislation applying to the person themselves, as for the wealth of the youth or crazy person then that is a different topic, because the proper authorities administer that for them.

²¹ Musnad Ahmad 6/100-101, Sunan Darimi 2/171, Sunan Abi Dawud 4/558 #4398, Sunan Nasa’i 6/156, Sunan Ibn Majah 1/657 #2041 and Muntaha Ibn al-Jarud #148.

Exceptions to Rules

Exceptions to rules is allowed from the category of a thing or idea and other than its categorization. God said:

“Except for Satan; he was from the jinn.” (al-Kahf 50)

This is the first part of the statement, and similarly the origin of a statement remains outstanding even in the case of exception. This is because exception is understood in the Arabic language and so it cannot be prohibited except with a scriptural text or valid consensus.

He Who Narrated From a Companion and Did Not Name Him

Regarding those who reported a narration from a companion and did not mention his name: if the reporter was someone who was aware of the truthfulness of that narration, then it is a sound, authentic narration which can be used as proof. That is because all of the companions were truthful and just. God has said:

“And for the poor emigrants who were expelled from their homes and robbed of their property, seeking the bounty and satisfaction of God, aiding God and His Messenger along the way...those are indeed the truthful. And those who possessed homes and had faith love those who emigrated to them, and have no jealousy in their hearts for what the emigrants had been given, and give those emigrants preference over their own selves. And whoever is saved from his own greed is truly successful.” (al-Hashr 8-9)

By this, God has testified to the honesty of all the Muhajirun and Ansar, and we know that they are all trustworthy with certainty.

If the reporter is someone who possibly might not know the truthfulness of the narration he is reporting, then the narration's chain is broken. The testimony of the wicked is not accepted, including the claim that the unnamed person is really a companion. If a trustworthy narrator reports from the wives of the Prophet (peace be upon him) then it is a proof because it would not be possible for them to hide a thing from the discerning of the era.

Take the Narration of a Companion, Not His Action or Viewpoint

If a companion narrated from the Prophet (peace be upon him) and then acted contrarily to that narration, then what is obligatory is to take what is narrated by the companion and not about the companion. That is, accept the prophetic narration and leave off the action of the companion.

The first reason: what is required of us is to accept what has been narrated from the Prophet (peace be upon him) and not the opinion of the narrator, as there is no authority among men other than the Prophet.

The second reason: the companion may forget what he had narrated specifically or forget things in general, as when Umar forgot the statement of God Almighty:

“Truly you will die one day, and they will die as well.” (al-Zumar 30)

and

“...and if you have given one of them a great amount of gold as a dowry, then take not the smallest bit of it back...” (al-Nisa` 20)

When informed of the Prophet’s death, Umar claimed that he did not die and will not die until the companions all die first. When he was reminded of the verse, he fell down to the ground.²²

In another instance, Umar said from the pulpit of the mosque that the dowry should not exceed four-hundred dirhams. When a woman reminded him of the verse, he took back his statement.²³

The companion may also relate a narration but then interpret it in a way that changes the meaning such as Qudamah bin Mazh’un (may God be pleased with him) did²⁴ with the verse:

“There is no sin upon those who believe and perform righteous actions for what they had eaten in the past...” (al-Ma`idah 93)

The third reason: it is totally unlawful for anybody to think that the companion has knowledge of abrogation but remains silent about it and only narrates that which is abrogated. God has said:

²² Sahih Bukhari 8/145 #4454.

²³ Sunan Baihaqi 7/233 and Musannaf Abd al-Razzaq 6/180 #1420. Note that Hallaq rules the hadith to be weak.

²⁴ Sahih Muslim 4/1910 #109/2459 and Sunan Tirmidhi 5/255 #3053.

“Verily those who conceal the clear proofs and guidance which We have sent down after we have made it clear for the People of the Book are cursed by God and those within whose right it is to curse.”(al-Baqarah 159)

God has made the companions transcend beyond such deception.

the fourth reason: God has said:

“Indeed it is We who sent down the reminder to all mankind, and indeed it is We who shall preserve it.” (al-Hijr 9)

God has assured His protection of what the Prophet has related from tampering, and thus none of the companions were even capable of concealing any of the message or failing to communicate it. The companion is not free from error in his own actions and choices, but he is free from concealing the guidance which has been revealed.

The fifth reason: to say that one of the two narrations has to be weakened. Weakening the narration about the companion takes precedence over weakening his narration from the Prophet (peace be upon him), because accepting the latter is obligatory. As for that which is solely the statement of the companion, then we are not compelled to obey it and all success lies with God.

To speak with a proof which does not have more than one possible way of being understood is obligatory. That is like when Almighty God said:

“Abraham was, without a doubt, forbearing, repentant and used to invoking God with humility.” (Hud 75)

This confirms that Abraham was not foolish. And as the Prophet (peace be upon him) said: “every inebriating agent is an intoxicant and every intoxicant is forbidden.”²⁵ This confirms that every intoxicant is forbidden, and this proof is the text itself.

²⁵ Sahih Muslim 3/1588 #75/2003.

Similitude in the Qur'an

Similitude in the Qur'an refers to the disjointed and separated letters only. There is no scriptural text or valid consensus defining them as anything other than that, and there is nothing other than those which can be described as similitude.

The Messenger of God said: "what is lawful is clear, and what is unlawful is clear. Between those two things is that which is not clear, and not many people comprehend them."²⁶ This means that *some* people actually do comprehend them. God said:

"...an explanation of all things..." (al-Nahl 89)

²⁶ Sahih Bukhari 1/126 #52, Sahih Muslim 3/1219 #1599, Sunan Abi Dawud 3/623 #3329, Sunan Tirmidhi 3/511 #1205, Sunan Nasa'i 7/241 #4453 and Sunan Ibn Majah 2/1318 #3984.

The Obligation is Only Upon He Who is Able

Obligations do not obligate anyone save those who are able, unless a scriptural text or valid consensus indicates that those who are unable are still obligated or that another person may make it up for the unable one. God said:

“God does not burden a soul with more than it can bear. It is rewarded for what it has done and is punished for what it has done.” (al-Baqarah 286)

And:

“...and has not ordained for you any hardship in your religion.” (al-Hajj 78)

Like this is the case when the Prophet (peace be upon him) ordered a woman to perform the pilgrimage to Mecca on behalf of her father, who was an old man and could no longer move.²⁷

The Prophet said: “whoever dies before making up some missed fasting, then let those who inherit from him fast for him.”²⁸ He also ordered that the pilgrimage be performed for the dead, saying: “the religion of God has more right to be observed.”²⁹ Thus undertaking all of this is required, like performing the pilgrimage or making it up on behalf of the dead or the feeble, making up missed fasts as well as obligations missed by women during their periods, making up for daily prayers which were forgotten, slept through or otherwise need to be made up.

²⁷ Sahih Bukhari 3/378 #1513, Sahih Muslim 2/973 #1334, Muwatta Malik 1/359 #97, Sunan Tirmidhi 3/267 #928, Sunan Abi Dawud 2/400 #1809, Sunan Nasa'i 5/117 #2635 and 5/118 #2641 and Sunan Ibn Majah 2/971 #2909.

²⁸ Sahih Bukhari 4/192 #1952, Sahih Muslim 2/803 #1147, Musnad Ahmad 6/69, Sunan Abi Dawud 2/791 #2400 and Sunan Baihaqi 4/255.

²⁹ Sahih Bukhari 11/584 #6699 and Sunan Nasa'i 5/116 #2632.

Reports Regarding the Messenger are a Proof

As for anything which is affirmed to have happened or existed during the era of the Prophet (peace be upon him), then it is not a proof in the religion until we know that he was aware of those things and did not reject them. God said:

“...that mankind should have no plea against God after the coming of the Messengers.” (al-Nisa` 165)

That Which Constitutes Proof is Only Scripture From the Qur'an or Scripture Narrated Authentically to the Messenger, or Something Which He Saw and Permitted
The Prophet (peace be upon him) was obligated with clarifying these matters to mankind. God said:

“...so that you may explain to them clearly that which has been sent down to them.” (al-Nahl 44)

And:

“O Messenger, call to that which has been sent down to you from your Lord; if you do not, then you have not conveyed the message. God will protect you from the people.” (al-Ma'idah 67)

And:

“Nor does he speak from his own desire; it is only revelation.” (al-Najm 3-4)

And:

“It is He Who has sent amongst the unlettered a messenger from among themselves, reciting to them His verses, purifying them from disbelief and teaching them the Book and the Wisdom. They had surely been in manifest error previously.” (al-Jumu'ah 2)

The verses are that which descended in the Qur'an. The Wisdom is that which was revealed in the Prophetic tradition.

It is certain that he (peace be upon him) did not leave anything in the religion without clarifying it from the Book by the Book, or from the Book by the Prophetic tradition, or from the Prophetic tradition by the Prophetic tradition. He did not accept or approve of anything which is rejected. When he knew of something and did not reject it, then that thing is permissible and no other person is like this. This is because he did not err, forget or pass over any matter in the religion.

There Are Not Multiple Truths

The truth is one no matter who is saying it, and all other statements are false. God said:

“What can there be, after the truth, except for falsehood?” (Yunus 32)

Almighty God also said:

“Had it been from other than God, they would surely have found therein many contradictions.”(al-Nisa` 82)

If there are numerous viewpoints surrounding an issue, then all of them must be false except for one and that one is the absolute truth; that is because nothing remains other than the truth. The truth also does not fall outside the viewpoints held by the Muslim world due to what we mentioned previously about the freedom of consensus from error.

The Law of Those Before Us is Not Law for Us

It is not permissible to pass judgment based on the legislation of a prophet from before the Prophet Muhammad because Almighty God has said:

“To each among you, We have prescribed a law and a clear way.” (al-Ma'idah 48)

But if they cite God's statement:

“So follow their guidance.” (al-An'am 90)

Then we say alright, but this is only in regard to that upon which their guidance concurs, not that upon which their guidance differs. God said:

“Nothing is said to you except that it has already been said to the Messengers before you. Indeed your Lord possesses both incredible forgiveness and incredible punishment.” (Fussilat 43)

So that upon which the guidance of all the previous prophets agrees such as monotheism is law for us. That upon which the guidance of previous prophets differs is not accepted. We do not accept some of it selectively either, as this would be to judge without proof. If they say, for example, let us take the law of Jesus (peace be upon him) because he was the last of the prophets, then we say this is wrong from two angles.

The first angle is that God has prohibited that by saying:

“It is the religion of your father Abraham.” (al-Hajj 78)

Thus He informed us that the religion which we are to follow is that of Abraham (peace be upon him), and the religion of Abraham is the religion of Muhammad. God also said:

“...while the Torah and the Gospel were not revealed until after him; have you no understanding?” (Aal 'Imran 65)

Thus God has prohibited us to follow the Torah and the Gospel by obliging us to follow the laws of Abraham. The second angle is that the Prophet (peace be upon him) said: “I am favored over the other prophets in six traits.”³⁰ One of them he mentioned is that the previous prophets were sent only to their respective nations, while the prophet Muhammad was sent to all mankind. Hence, it is understood that none of the laws of the prophets compel us except for the law of Muhammad (peace be upon him). This is because God did not send any prophet to all the human race as a whole other than Muhammad, with all the previous prophets having been sent only to a single nation of people.

³⁰ Sahih Muslim 1/371 #523.

To Rule by the Laws of Islam Upon Every Muslim and Kafir is Obligatory

This is true whether the people like it or not, as God said:

“And fight them on until there is no more tumult and there prevails worship of God only.” (al-Anfal 39)

God also says:

“And judge among them by what God has revealed and do not follow their vain desires, but beware of them lest they turn you away from that which God has sent down.” (al-Ma`idah 49)

Pure Reason

It's unlawful for anybody to pass judgment based on pure reason, as God Almighty has said:

“We have neglected nothing in the Book...” (al-An'am 38)

He also said:

“O you who believe, obey God and obey the Messenger and those in authority among you. And if you disagree about anything, refer it back to God and the Messenger, if you do believe in God and Judgment Day. That is the best path with the best result.” (al-Nisa` 59)

The Messenger of God (peace be upon him) said: “the people took the ignorant as leaders who judged by pure reason, misguided and misleading.” This is an authentic report as narrated by Bukhari³¹ and others.³²

I narrate from Abu Bakr Hammam bin Ahmad al-Qadi, from Abu Muhammad Abdullah bin Muhammad al-Taji, from Muhammad bin Abdul-Malik bin Ayman, from Abu Thawr Ibrahim bin Khalid, from Waki' from Hisham bin 'Urwah from Hisham's father, from Abdullah bin 'Amr bin al-'As, who said: the Messenger of God (peace be upon him) said: “knowledge is not taken from the hearts of men, but rather by the demise of the learned. When there no longer remains a scholar, the people will take the ignorant as their leaders, these leaders judging by pure reason, misguided and misleading.”

And Abdullah bin 'Amr bin al-'As said: “the people of Israel continued upon the truth until sons of the prisoners of war intermarried with them; these people judged based on pure reason, misguided and misleading.”³³

It has been reported that 'Umar bin al-Khattab (may God be pleased with him) said: “do not trust pure reason.”³⁴

Sahl bin Hanif said: “don't trust your reason over your religion.”

'Ali bin Abi Talib (may God be pleased with him) said: “had the religion been based on reason, we would wipe the bottoms of our socks during ablution rather than the top.”³⁵

Similar statements are related from the companions and other than them.³⁶

³¹ Sahih Bukhari #100.

³² Sahih Muslim 4/2058 #13/2673 and Sunan Tirmidhi 5/31 #2652.

³³ Kashf Bazzar 1/96 #166 and Majma' Haithami 1/180. This was also authenticated by Ibn al-Qattan.

³⁴ According to Ibn Hajr in Fath 13/289, this report was narrated in Baihaqi's Madkhal in addition to Tabari and Tabarani. Shawkani also affirms in his treatise on Taqlid (pg. 103 by Hallaq's authentication) that Baihaqi reported it in his Madkhal.

³⁵ Sunan Abi Dawud 1/114 #162 and Sunan Baihaqi 1/292. Arna'ut authenticated it in his Jami' al-Usul 7/243, as did Albani.

If someone brings up the narration of Mu'adh: "I judge based on my own independent judgment without hesitation," then we inform them that this narration is false.³⁷ It has not been reported except by al-Harith bin 'Amr and he is unknown save his name.³⁸ Not only that, but he reported his narration on the authority of "the people of Homs" without giving names.

With certainty, we know the falsehood of the notion that the Prophet (peace be upon him) could have said to Mu'adh: "if you don't find in the Book of God and not in the prophecy of the Messenger of God," when at the same time it is said in the Qur'an:

"We have neglected nothing in the Book..." (al-An'am 38)

And:

"On this day, I have completed for you your religion." (al-Ma'idah 3)

That which has been completed as testified to by Almighty God could not possibly have neglected from a single ruling. Thus pure reason is nullified in absolute terms in regard to the religion.

³⁶ Hallaq recommends Ibn al-Qayyim's I'lam 1/73-79.

³⁷ The report is narrated in Sunan Abi Dawud 9/509 by Azimabadi's authentication, Sunan Tirmidhi 4/556 by Mubarakpuri's authentication, Sunan Darimi 1/60, Musnad Ahmad 5/230 and 5/242, Sunan Baihaqi 10/114, Sunan Tayalisi 1/286, Tabaqat Ibn Sa'd 2/347-348, Jami' Ibn Abdul Barr 2/55-56, Faqih wa Mutafaqqih Khatib 1/154-155 and 1/188-189 and the author of this treatise in Ihkam 6/26. Hallaq notes that the bottom line is that the narration is unauthentic, and was declared weak by Bukhari, Tirmidhi, 'Uqaili, Daraqutni, Ibn Tahir al-Qaisarani, Jauzaqani, Ibn al-Jawzi, Dhahabi, Subki, Hafiz Iraqi, Ibn al-Mulaqqin and Ibn Hajr in addition to Ibn Hazm himself. Albani agreed, explaining the narration's lack of authenticity in Da'ifa 2/273 #881.

³⁸ See his "biography" (or lack of one) in Bukhari's Tarikh Kabir 2/277.

Falsifying the Usage of Pure Reason

Were the narration in the previous chapter true, it would be a matter pertaining specifically to Mu'adh, in regard to an issue which the Messenger of God (peace be upon him) taught Mu'adh. This is indicated by the Messenger's statement: "the most knowledgeable among you of the lawful and unlawful things is Mu'adh."³⁹ Thus either Mu'adh was given the authority of independent judgment on such matters, or it is a general statement pertaining to both Mu'adh and other than him. Were the statement pertaining solely to Mu'adh, then it would not be permissible to take from the pure reason of anybody other than him. This is something which nobody on Earth claims. Were the statement pertaining to both Mu'adh and other than him in general, then no person's reason would take precedence over the reason of another person. This would essentially nullify the religion and every individual person would legislate the religion according to his own opinion; such a suggestion is pure heresy. Additionally, this would allow pure reason to extend even to those matters regarding which there is already a revealed scriptural text; no person says this, however, because if it were the case then pure reason could make the lawful unlawful and vice versa, and obligate that which is optional and vice versa. This is also pure heresy. If it is claimed that pure reason is only needed where there is no existing scriptural text present to address an issue, then this is also false from two angles.

The first angle is that Almighty God has said:

"We have neglected nothing in the Book..." (al-An'am 38)

And:

"...an explanation of all things..." (al-Nahl 89)

And:

"On this day, I have completed for you your religion." (al-Ma'idah 3)

And:

"...so that you may explain to them clearly that which has been sent down to them." (al-Nahl 44)

It is known with certainty that the revelation from God – which is not denied by any true believer – that God did not neglect anything in the Book, that He explained in it all things, that the religion has been completed, and that the Messenger of God (peace be upon him) has clarified to the people that which was revealed. Thus with total certainty and lack of doubt, the

³⁹ Sunan Ibn Majah 1/55 #154, Sunan Tirmidhi 5/665 #3791, Mustadrak Hakim 3/422 and Sahih Ibn Hibban 548 #2218. Dhahabi agreed, as did Albani who explains it in Sahiha 3/223.

notion that any matter from the religion lacks a scriptural text or judgement from Almighty God and His Messenger (peace be upon him) has been disproven.

The second angle is that even if we found such an issue – we seek refuge with Almighty God and his prohibition of such a thing to happen – then whoever legislated in the matter would have legislated in the religion that which God has not permitted, and this is unlawful and prohibited by the Qur'an. Pure reason is thus nullified, praise the Lord of the universe.

If they say: the companions (may God be pleased with them) spoke with pure reason, then we say: if you find an authentic report of any one of them speaking with pure reason, you would find them disavowing it. We clarified this in our book al-Ihkam fi Usul al-Ahkam and our letter al-Nukat sufficiently, and all success lies with God.

Analogical Reason

It is not permissible to judge within the religion based on analogical reasoning; it is falsehood excluded by God entirely. Much of the proof for this can be found in the previous chapter on pure reason.

If they claim that analogical reason is mentioned in the Qur'an and quote God's speech:

“...they destroyed their homes by their own hands and with the hands of the believers; recognize the admonition, oh people of insight.” (al-Hashr 2)

And also the punishment for illegal hunting of animals and also injuring others, we say to them that the Arabic word for “recognize” doesn't mean “analogize,” and not a single Arabic linguist has defined it in that way. Rather the word means ponder and take admonition.

The Almighty says:

“In their life stories was a lesson for the wise to consider.” (Yusuf 111)

Meaning wonder about and take admonition by it and not to analogize.

Almighty God also said:

“Indeed in the cattle is a lesson for you. We quench your thirsts with that which is within their bodies, drinkable milk from between excretions and blood, pleasing to the one who drinks. And from the fruits of the date and grape trees, you find strong drink and provision. In these things there is verily a sign for those who possess intellect.” (al-Nahl 66-67)

Meaning there is a source of wonder for you to hear such things.

Even these signs nullify analogy in the religion. God has said that milk is lawful under Islamic law even though it passes through excretion and blood which are unlawful, and that from one tree of fruit can come that which is permissible and that which intoxicates, which nullifies analogy in the religion.

Even if the word “recognize the admonition” in the Arabic language meant to analogize, the above verse would then mean we must destroy our own homes as did the people in the verse but this is not the case, as the Lord has said “recognize the admonition” which nullifies analogical reason. And even if the word meant analogize and did not denote a different meaning this would not carry the possibility of analogy because it would then be of the comprehensive commandments that give no direct meaning from the text and thus shall be as God said:

“...but render the dues that are owed on the day that the harvest is gathered...” (al-An'am 141)

Or as He said:

“Establish the ordained prayers and charity...” (al-Baqarah 43)

The latter verse does not define what the prayer is or what the charity is, or how much is required to be given in charity on the day of the harvest nor how the charity and prayer are to be paid or performed; these things were not known until the Prophet relayed the details. So if the word “recognize the admonition” means to analogize and we agreed upon that, then nobody would know how that analogy would be applied or carried out and in regard to what matters that are to be performed, and thus we would need an explanation of the details from the Prophet, peace be upon him.

And if no detail was provided to show us how to act then we come to know that Almighty God did not charge us with a thing unknown to us, how to do it or what it is, nor does he commanded us to build upon such a thing.

As for the punishment of the one who hunts illegally, then there is by no means a basis for analogical reasoning in it because Almighty God commanded anyone who intentionally went hunting knowing that they were doing so illegally should sacrifice the same number of livestock as they killed from the game animals as a penalty, rather than an equal number of other game animals. This is, again, a nullification of analogical reasoning in the religion. As for the verse:

“Thus will be the resurrection.” (Qaf 11)

Then it nullifies analogical reasoning without a shadow of a doubt, because the resurrection of the dead occurs one time and shall result in immortality in either Heaven or Hell. The sprouting of plants from the Earth, however, takes place every year and then ceases. Everything that they mention would not be a basis for the prohibition of trading figs for figs with a balance or an allowance with a specified time limit.

The bottom line regarding their illusions and what they attribute falsely to the Qur’an and the Prophetic example is our statement: anything which is true regarding the religion is only found within the Qur’an and the Prophetic example.

They spoke with analogical reasoning and we disproved it; every verse and narration with which they came was truth down to the last, and everything which they intended to prove with these fundamental truths was false. They did not add anything at all except to repeat to us their speech regarding analogical reasoning, and we debated them in that, and it is not permissible for them to attempt to prove their statement with their statement itself. They would only have a proof if they were able to come from among these verses and narrations with a direct

statement that: “Analogize what resembles the source religious texts upon another text which resembles it.”

If they fail to provide this – and they will never be able to do so – then they have no proof at all from the Qur’an or from the Prophetic example, as we noted that the entirety of the Qur’an and the authentic Prophetic example is the truth. Whatever they desire to add to that is falsehood, about which we requested proof from them and they have not found it and all success lies with the Lord. From the proofs which nullify analogy is what the Almighty said:

“And God brought you forth from the wombs of your mothers when you knew nothing.” (al-Nahl 78)

And also

“...and teaching you that which you did not know.” (al-Baqara 151)

And also,

“Say : the things that my Lord has indeed forbidden are shameful deeds whether open or secret, sins and trespasses against truth or reason, worshipping other than God for which He has given no authority and saying things about God of which you have no knowledge.” (al-A’raf 33)

So God prohibited us to say about Him that which we do not know and about which He did not inform us.

Thus once we realize that God has not commanded us to reason by analogy nor did He instruct us to do so, we have found that it’s false and to speak in analogies in regard to the religion is not permissible.

Likewise, it is said: In what matters is there a need for reasoning by analogy? In that which we have a text and a ruling from Almighty God and His messenger? Or in that which we do not have a text or a ruling from God and not from his Messenger, peace be upon him? There is no possibility of a third situation.

So if they say: There is a need for analogy in that which there is a revealed text available, then their statement is known to be false. This is because of the fact that if that were the case, then it would have been mandatory to prohibit that which Almighty God has allowed by analogy, and the allowance of that which He has prohibited, and the obligation of that which God did not obligate, and the removal of obligation from that which God did obligate.

And if they say that there is a need for analogy in those matters in which there is no revealed text available, then we say that God has condemned such a thing, and those who make such a

statement have lied. As for the condemnation of God Himself then it is because of His statement:

“Or do they have partners who enacted a religion that God has not commanded?” (al-Shura 21)

As for declaring the claimants of such a statement to be liars, then it is found in God’s statements:

“We have neglected nothing in the Book...” (al-An’am 38)

And:

“...an explanation of all things...” (al-Nahl 89)

And:

“...so that you may explain to them clearly that which has been sent down to them.” (al-Nahl 44)

And:

“On this day, I have completed for you your religion.” (al-Ma’idah 3)

The falsehood of reasoning by analogy is thus ascertained without a shred of doubt.

Analogical reasoning, as defined by its supporters, is to pass judgment on one thing due to its similarity to another thing either because of these two things’ sharing of a common binding reason for the judgment, or these two things’ resemblance in some of their described characteristics according to some of them. So it is said to them: please inform us about this binding reason which you have claimed and made as a reasoning behind prohibition, or for permissibility, or for obligation; who is it that informs us that it is truly the binding reason behind this judgment? And who is it that decides it is truly the binding reason?

If they say that Almighty God made it so, then they lie upon Almighty God unless they bring forth a verse of the Qur’an or an authentic Prophetic statement stating that it is the underlying reason behind the judgment. They will not be able to find this.

And if they say: we have legislated this ourselves, then they have legislated something in the religion which God Himself did not, and this is prohibited clearly in the Qur’an.

And if they say that this must be the underlying reason because they have inferred it – and this is their statement in truth – then they have done something which God almighty has prohibited when he said:

“...conjecture is no substitute for the truth.” (al-Najm 28)

And what the Messenger of God said: “Avoid conjecture as it is the most dishonest of speech.”⁴⁰

The various underlying reasons behind judgments which they claim are inconsistent; so from where did they come to know that a given reason they have inferred is that which Almighty God intended without a revealed text from the Maker of said judgment? He has prohibited us to speak without knowledge and resort to conjecture, and this applies to them in the analogies based on resemblance.

And we take this a step further and ask: what is this resemblance? Is it in all of the described characteristics of the two things, or just some of them?

If they say: in all aspects, then their statement is false because there are no two things in the universe which share every last one of their characteristics. If they restrict their statement to just some of these characteristics, then we ask them how they came to know that? And what is the difference between them and the one who acknowledged these characteristics yet did not pass judgment based on analogy? And what is the difference between them and the one who acknowledged resemblance of some shared characteristics upon which they did not pass a judgment based on analogy, yet that one DID pass a judgment based upon analogy?

They are then asked what the difference is between them and the one who says: I pass two different judgments for these two things because some of their characteristics do not resemble each other? From where did they come with this idea that two things with shared characteristics must share one judgment, despite the fact that these two things must also have characteristics which are different? They will not ever find an answer to this.

It is thus correct to say that reasoning by analogy in the religion and inferring underlying reasons for judgments is pure falsehood and to speak about God without knowledge. It is absolutely prohibited in all situations because it is either lying about the intent of God based upon prohibited conjecture or legislating in the religion that which God did not allow. Both of these are prohibited without a shadow of a doubt, praise the Lord of all things.

If they say that the intellect mandates the judgment of one thing based upon that which resembles it, then we say to them: as for its resemblance in categorization or type then yes. As for that at which they arrive based upon their own mere opinions with no textual proof and claim it is the will of God, then no.

⁴⁰ Sahih Bukhari 12/4 #6724 and Sahih Muslim 4/1985 #28/2563.

This is what God's law has ordained. If God has passed a judgment on barley, then it applies to all kinds of barley. Likewise if God has passed a judgment on the adulterer, then it applies to all adulterers and so forth in regard to all categories of things. Neither the intellect nor the law of God ordained, for example, that figs take the same judgment as barley or that almonds take the same judgment as dates. Rather, this is to pass the judgment of a thing upon that which is not the same. The same goes for concepts; were we to pass the same judgment for both an attribute and a body, or both a human being and a donkey, we would be in error. But if a general ruling was passed on the body then it applies to the body and all its parts; likewise a ruling passed on humanity in general applies to all human beings. The intellect does not accept anything other than this.

The Law is Either Obligation or Prohibition

God's law consists only of that which is obligatory, prohibited, optional, recommended or merely permissible. We find that God has said:

“He created for you all things that are on the Earth.” (al-Baqarah 29)

And:

“He has explained to you in detail what is forbidden to you.” (al-An'am 119)

And:

“Let those who oppose the Messenger's commandments beware, lest they are befallen by discord or affected by a terrible punishment.” (al-Nur 63)

It is authentically reported that the Prophet (peace be upon him) said: “do not ask me about matters on which I have remained silent. The nations who came before you were only destroyed due to their incessant questioning and their differing with their prophets. When I command you to do something then do it to the best of your ability, and when I forbid you to do something then leave it.”⁴¹

This text confirms that whatever Almighty God and His Messenger (peace be upon him) have commanded us to do is obligatory, unless there is another scriptural text or valid consensus indicating that it is merely recommended, specified or abrogated. Likewise, that which God and His Messenger have forbidden in a scriptural text is prohibited, unless there is another scriptural text or valid consensus indicating that it is merely disliked, specified or abrogated. Likewise, matters about which no scriptural text or valid consensus are found indicating them being disliked, specified, abrogated, commanded or forbidden is permissible as God has said:

“He created for you all things that are on the Earth.” (al-Baqarah 29)

The Prophet (peace be upon him) has ordered us to not leave off anything except that which he has forbidden us from, and has not obligated anything upon us except that which he has commanded and only to the best of our respective abilities.

It is also reported that the Prophet (peace be upon him) said: “as for the things about which I have stayed silent, then you are excused.”⁴²

And Almighty God has said:

⁴¹ Sahih Bukhari 13/251 #7288 (partially) and Sahih Muslim 2/975 #412/1337.

⁴² Sunan Daraqutni 4/183 #42 and Sunan Baihaqi 10/12-13. Hallaq notes that both of those narrations are weak, in addition to the similar narration reported by Tirmidhi and Ibn Majah. Hallaq does report, however, an authentic version narrated in Kashf Bazzar 3/325 #2855, Mustadrak Hakim 2/375 and Majma' Haithami 1/171.

“O you who believe, do not ask about clear matters which, if you ask about them, may cause trouble. But if you ask about them while the Qur’an is being revealed, they will be made clear to you. God is the most forgiving and forbearing.” (al-Ma`idah 101)

Nothing in the world falls outside of this general ruling, so the need for analogical reason is nullified in general. It is not ever permissible to rule by it in the religion, and all success lies with God.

Know that nothing has been found from the companions (may God be pleased with them) in the way of allowing analogical reason except in the fabricated letter attributed to ‘Umar (may God be pleased with him), and this letter is not authentic in any way as it was only reported by two abandoned narrators. It has also been narrated from ‘Umar with a similar chain of narration that he actually prohibited analogical reason, and in fact consensus is authentically reported from all of the companions (may God be pleased with them) on the falsehood of analogical reason and pure reason. This is because they, and all the people of Islam, believe, without a shadow of a doubt, in obeying the Qur’an and the Prophetic tradition and in the prohibition of anyone other than God to legislate in the religion. This consensus forbids analogical reason and pure reason, because they are not to be found in any scriptural texts of the Qur’an or the Prophetic tradition and with Almighty God lies all success.

Whoever Differs With the Sunnah Has Committed an Act of Violation and Oppression

When the Prophet (peace be upon him) ruled on a given issue, then nobody should judge beyond that in the issue. Whoever goes against that has transgressed the boundaries set by God with Whom we seek refuge from transgression. This is like his (peace be upon him) statement: "As for the tooth, then it is a bone. As for the fingernail, then it is the knife of the Ethiopians."⁴³ It is not permissible for us to extend this meaning beyond the tooth and the fingernail.

⁴³ Sahih Bukhari 9/672 #5543, Sahih Muslim 3/1558 #20/1968, Sunan Abi Dawud 3/247 #2821, Sunan Tirmidhi 4/81 #1491, Sunan Nasa'i 7/226, Sunan Ibn Majah 2/1061 #3178 and Musnad Ahmad 3/463-464.

Proof by Negative Implication

It is not permissible to pass judgment based on negative implication. What this means is that the speaker says when a scriptural text is revealed by God or His Messenger (peace be upon him) in a certain way, or during a certain situation, or at a certain time, or in a certain place, then opposite ways, situations, times or places should take opposite rulings from said scriptural text. An example would be the scriptural text from the Prophet (peace be upon him) regarding cattle and the charity which it obligates;⁴⁴ by negative implication, it would be said that livestock other than cattle must obligate different amounts of charity. Or like the scriptural text from God about the marriage of Muslim women for the man who cannot afford the dowry or experiences sexual problems, and thus rules for marrying non-Muslim women should be different via negative implication. Or like the scriptural text from God regarding the expiation for manslaughter, wherein via negative implication the expiation for murder must be different from that of manslaughter.

Know that this way of thinking and analogical reason are opposite to each other because analogy is to judge by that which is not mentioned according to the ruling of that which is mentioned in a scriptural text. Both methods are baseless because they transgress the limits laid down by God, and constitute usurping His and His Messenger's authority. God has said:

“And he who transgress the limits of God has only oppressed himself.” (al-Talaq 1)

And:

“O you who believe, do not rush to decisions before God and His Messenger.” (al-Hujurat 1)

The true path is to accept the commands as they come and to not pass the judgment of one matter on to a different matter. Rather, the judgment for the different matter is sought through a scriptural text directly relating to that matter, as God has not neglected from a single thing in His book. The same is said in regard to negative implication, because analogical reason is entering the unmentioned thing into the judgment of a thing mentioned in a scriptural text, and negative implication is to exclude the unmentioned thing from the judgment based on a scriptural text related to that thing, and this is also impermissible.

All of these statements are merely forgeries upon Almighty God, Who is above wanting to exclude something which he revealed from the related judgment without telling mankind. It is understood by necessity that when a scriptural text is found, the obligation is to take it as it is without specifying anything from it except when such is indicated by another scriptural text or a

⁴⁴ Sahih Bukhari 3/317-318 #1454, Sunan Ibn Majah 1/575 #1800, Sahih Ibn Khuzaima 4/27 #2281, Sunan Daraqutni 2/113 #2 and Sunan Baihaqi 4/85. The same narration is reported with a different chain in Sunan Abi Dawud 2/214 #1567, Sunan Nasa'i 5/18 #2447, Musnad Ahmad 1/11-12, Sunan Daraqutni 2/114 #3, Mustadrak Hakim 1/390-392 and Sunan Baihaqi 4/86.

valid consensus. Likewise, it is obligatory to not add anything to the religion for which there is no scriptural text or valid consensus. This is true obedience to the one true God, safety from sin and the proof which rests upon all of us on Judgment Day. Let every person beware of prohibiting that which Almighty God or His Messenger (peace be upon him) did not forbid, or removing an obligation which Almighty God or His Messenger have commanded, lest he meet God as a disobedient sinner, legislating in the religion that which our Lord the Most High did not permit, forging upon Almighty God that which the forger does not know and that which the Messenger (peace be upon him) did not say. Such acts would be to prepare one's own resting place in Hell.⁴⁵ Such a person judges based upon conjecture, which is the most lying of speech⁴⁶ and avails nothing in the face of the truth. We seek refuge with Almighty God from trials and tribulations.

⁴⁵ This is a reference to a narration found in Sahih Bukhari 1/201 by Ibn Hajr's authentication and Sahih Muslim 1/66 by Nawawi's authentication.

⁴⁶ This is a reference to the aforementioned narration in Sahih Bukhari 12/4 #6724 and Sahih Muslim 4/1985 #28/2563 as well as other collections.

Every Command From God Applies to Every Person Except by Proof of the Command's Specificity

When God commanded His Messenger (peace be upon him) with something, then that thing is obligatory upon every Muslim unless a scriptural text or valid consensus specifies the command. The proof is God's statement:

“Let those who oppose the Messenger's commandments beware, lest they are befallen by discord or affected by a terrible punishment.” (al-Nur 63)

The term “the Messenger's commandments” necessitates that the commandment related to him was given by him, so there is no specification of the verse without proof.

Blindly Following Clergy

Blindly following clergymen is prohibited, and it is not allowed for anyone to accept the speech of anyone else without proof. God said:

“Follow what has been sent down to you from YOUR Lord and do not follow other than Him seeking protection. Little do you remember of admonition.” (al-A’raf 3)

And:

“And when they are asked to follow what God has revealed they say: but we follow the ways of our fathers, even though their fathers were void of wisdom and guidance.” (al-Baqarah 170)

God praised people who did not follow blindly by saying:

“So announce the good news to my servants – those who listen to the word and follow the best of it; those are the ones whom God has guided and those are the ones endued with understanding.” (al-Zumar 17-18)

Let not any person take for granted the blessing of God in that He may have guided him, and that as a given he is endued with understanding. Almighty God also said:

“And if you disagree about anything, refer it back to God and the Messenger, if you do believe in God and Judgment Day.” (al-Nisa` 59)

So God did not allow disagreement to be returned to anything other than the Qur’an and the tradition of His prophet (peace be upon him).

It is also agreed by consensus of all of the companions (may God be pleased with them), from the first to the last, and consensus of all the second generation of Muslims from the first to the last, that it is not allowed to accept every single thing a person from them or after them says. Know, then, that whoever accepts every single statement of Abu Hanifa, or Malik, or Shafi’i or Ahmad bin Hanbal (may God be pleased with them) even if they are capable of inspecting religious matters, without leaving any of it off, has contradicted the consensus of the entire Muslim world, and followed other than the path of God. We seek refuge with Him from this station.

Additionally, these great men prohibited people from blindly following them and other than them, so whoever blindly follows them has contradicted them. Also, what exactly is it which has made them better than the commander of the faithful ‘Umar bin al-Khattab, or Ali bin Abi Talib, or Ibn ‘Abbas, or A’isha mother of the believers? Were blindly following clergy allowed, the latter group would take precedence over Abu Hanifa, Malik, Shafi’i or Ahmad. Whoever attributes himself to these men yet claims that he is not blindly following them is the first

person to know his own lie, followed by everyone who hears him. This is because we see him support every statement which he knows from the chosen clergyman, even if he never heard the statement before that moment. This is the textbook definition of blindly following the clergy.

The Layman and the Scholar are Identical in Terms of Leaving Off Blind Following

Each individual must exercise his own independent reasoning to the best of his ability. The proof of that is what we mentioned earlier from the texts regarding that, and God did not differentiate between the scholar and the layman in that:

“And your Lord is not forgetful.” (Mariam 64)

If they quote the word of God:

“Ask the people of knowledge.” (al-Anbiya` 7)

Then we say to them: the people of knowledge are not a single person. Lying upon God is not permissible, and we only ask the people of knowledge to inform us based on what they know of the commandments of God Almighty which have come upon the tongue of His Messenger (peace be upon him), not upon something those people legislate for us.

Additionally, we say to the one who allows blind following for the layman: inform us, who do you blindly follow? If he says a scholar from Egypt, we say: if there were two scholars in Egypt, then what happens? Does the layman accept the opinion of whichever one he wishes? This is a new religion, and that there be two different rulings in one issue – say, permitted and prohibited at the same time – is not something ordained by God.

What is even more astonishing is that the layman of Andalusia is obligated to blindly follow the views of Malik, and in Yemen those of Shafi'i, and in Khorosan those of Abu Hanifa yet all of their opinions are conflicting. Is this the religion of God? He never commanded this; rather, the religion is one and the judgment of Almighty God has been clarified to us:

“Had it been from other than God, they would surely have found therein many contradictions.”
(al-Nisa` 82)

But the layman or the faraway man from Ghana and those like them who have converted to Islam know exactly what the Islam to which they converted is, and that it is to choose God as the only object of worship, and that Muhammad is the Messenger of God, and that he has converted to the religion with which Muhammad the Messenger of God (peace be upon him) came and this is not hidden from any person who has entered Islam even just now.

How, then, can it be lost upon someone who has a measure of knowledge? There is no doubt in this, so the questioner asks about what Almighty God has ordered in the religion which the questioner entered, and so God has obligated the scholar to say when asked: is this what Almighty God and His Messenger (peace be upon him) have ordained? If the scholar said yes then the answer must be accepted, and if the scholar said no, or stayed silent, or hesitates, or quotes the speech of a human being other than the Prophet, then the asker's knowledge has

increased as has his ability to independently reason. The layman must then ask: is this authentically reported from the Prophet (peace be upon him) or not? If his knowledge has increased then he should ask if the chain of narration is sound or broken, whether it contains trustworthy reporters or not. And if his knowledge has increased beyond that, then he should ask about the statements and proofs associated with them, and this leads to a gradual increase in knowledge. We ask that God makes us from those people.

Whoever Thinks Independently and is Correct Receives Two Rewards, and Whoever Thinks Independently and is Mistaken Receives One Reward

All that God has prescribed for us is to follow His messenger Muhammad (peace be upon him), so whoever follows him faithfully with his heart and his speech has been guided, and he is a true believer whether this faith is from reason and introspection or not. God did not burden mankind with such an obligation, and did not order us to pray for more than that nor did the Caliphs and the righteous pray for that.

Whoever narrates a false statement attributed to the Prophet (peace be upon him) and he does not know that the statement is false then he is rewarded one time due to his statement: “when the ruler passes a judgment and errs, he is rewarded one time. If he passes a judgment and is correct, he is rewarded twice.”⁴⁷ This is as he (peace be upon him) said, and every person who enters into an issue has essentially made a ruling on it by accepting it, and exercised independent judgment; this is the person who exercises independent judgment and not other than this. This is because such judgment is the exercise of effort in requesting the ruling on some matter within the religion through the Qur’an, the Prophetic tradition and consensus; God ordered the rulings of His religion to be taken from these sources and nowhere else. Whoever arrives to the correct ruling in that is rewarded twice, and whoever arrives to an incorrect ruling through that process is still rewarded once and has not earned a bad deed.

⁴⁷ Sahih Bukhari 13/318 #7352, Sahih Muslim 3/1342 #1716, Sunan Ibn Majah 2/776 #2314 and Sunan Abi Dawud 4/7 #3574. It is also narrated via another chain in Sunan Tirmidhi 3/615 #1326 and Sunan Nasa’i 8/223 #5381. Albani agreed and explained the authenticity in Irwa 8/223 #2598.

There is no Reward at All for he Who Blindly Followed Other Than the Prophet, Even if he Was Correct

As for someone who blindly follows any person other than the Prophet (peace be upon him) and that person's ruling just happens to concur with the Prophet's ruling, then the follower would still be a sinner in front of God due to his blind following and would not be rewarded for his action just so happening to concur with the truth. How can this be, one might ask? This is because the follower did not intend to follow the truth, and if he also follows an erroneous judgment then he earns two bad deeds – for his blind following and for his opposition to the truth, and he will not ever be rewarded in the matter. We seek refuge with God from such a lowly station.

Whoever Was Not Shown Evidence is Excused

Any person who has not seen the proof is excused for his errors, and any person who has seen the proof is not excused as God said:

“And whoever opposes the Messenger after guidance has become clear to him, and follows other than the way of the believers, then We will give him what he has taken and drive him down into Hell; how evil a destination it is!” (al-Nisa` 115)

Whoever Learns an Issue Within the Qur'an and Sunnah, Then he May Give His Viewpoint

Whoever fully understands one issue or more from the Qur'an or the Prophetic tradition is permitted to speak on the matter. Whoever knows all of the religion inside and out or all of it except one issue is allowed to speak on that which he knows, and is not allowed to speak on that which he does not know. If it was only allowed for a person to speak after he has comprehended the entire religion without exception, then no person after the Messenger of God (peace be upon him) would be allowed to speak.

“...over all of those with knowledge is the All-Knowing.” (Yusuf 76)

“God alone is sufficient for us, and he is the best dispenser of affairs.” (Aali 'Imran 173)

The end, praise the Lord of the universe. Peace be upon our leader Muhammad and his family and companions.

Afterword

Congratulations, dear reader. You have finished a very basic book on the field of the principles of jurisprudence (I hope you have already studied a short book of jurisprudence itself first!). This is the point at which one would begin learning a bit more about how Islamic law is derived.

Beyond the requested prayers for the individuals mentioned in the beginning, there is one last matter worth mention. Please, for the love of God, do not go onto Internet forums now that you have read this book, intending to argue with your brothers and sisters and show people that you are right and they are wrong. The purpose of seeking knowledge is to implement it and better worship your Lord, not to look down on others. Please make this effort in translation the cause of learning and not arguing.

God bless.

Abu Nadm al-Zahiri

Sunday morning, 7 April 2013